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Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

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Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and the Arab population in the occupied Syrian Golan

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Note by the Secretary-General

Summary

In its resolution 2013/8, the Economic and Social Council requested the Secretary-General to submit to the General Assembly at its sixty-seventh session, through the Council, a report on the implementation of the resolution. The Assembly, in its resolution 68/235, also requested the Secretary-General to submit a report to it at its sixty-eighth session. The present report, which has been prepared by the Economic and Social Commission for Western Asia, is submitted in response to the resolutions of the Assembly and the Council.

At its eightieth session, the Committee on the Elimination of Racial Discrimination censured Israel in connection with its general recommendation 19 (1995) concerning segregation and apartheid, as prohibited by article 3 of the International Convention for the Elimination of All Forms of Racial Discrimination.

Continued disproportionate use of force by Israeli security forces amounts to unlawful killings, and may amount to wilful killings in some cases. During the reporting period, 40 Palestinians were killed (including 5 children), and 3,654 injured (including 1,001 children).

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A total of 4,881 Palestinians (including 183 minors) had been detained or imprisoned by Israeli security forces by January 2014, with reported torture, ill-treatment and denial of rights.

In 2013, 663 Palestinian structures, including homes, were demolished, displacing 1,103 people. Over 1 billion square metres of Palestinian land has been seized by Israel since the onset of the occupation.

Government-supported illegal settlement expansion and the construction of the wall, which have led to "a creeping annexation", continue in the Occupied Palestinian Territory, with 40 per cent of the West Bank land transferred to the jurisdiction of settlement-related councils. In 2013 there was a 123.7 per cent increase in the construction of settlement housing units.

Violence and attacks by settlers continued, with impunity. In 2013, 93 attacks were recorded against Palestinians (including children), their property and holy places.

Israeli mobility restrictions, which constitute illegal collective punishment, also persist, affecting almost all aspects of Palestinian life. These restrictions amount to a blockade in the Gaza Strip, with severe consequences on the social, economic and humanitarian conditions of its population.

Israeli measures continue to have a detrimental impact on the environment and natural resources and curtail Palestinian development and livelihood through discriminatory policies, including in access to land and water allocation; Israeli settlers consume six times more water than Palestinians in the West Bank. Ninety per cent of the water from the Gaza aquifer is not safe for drinking without prior treatment, further exacerbating the living conditions of the Palestinians living there.

The economy of the Occupied Palestinian Territory continued its negative trend during 2013. Unemployment was recorded at 38.5 per cent in Gaza, compared to 18.2 per cent in the West Bank.

The level of food insecurity rose dramatically, affecting over 1.5 million Palestinians (34 per cent of the population), with a rate of 57 per cent in the Gaza Strip.

Almost 15,000 patients had to leave Gaza in 2013 in order to access life-saving medical care owing to the serious shortage of drugs and medical supplies. In the West Bank, Palestinian patients and their companions need special Israeli-issued permits to access hospitals in East Jerusalem.

The educational system in the Occupied Palestinian Territory requires additional facilities. The expansion of the system is restricted in Gaza because of the blockade, and in the West Bank owing to Israeli permit requirements. Palestinian students and their schools are often exposed to settler violence.

Israel continues to occupy the Syrian Golan, and is illegally expanding its settlement activities and exploiting natural resources there. Syrian residents of the occupied Syrian Golan continue to suffer from discrimination in terms of access to land, housing and basic services and water allocation.

The Economic and Social Commission for Western Asia would like to acknowledge its appreciation for the substantive contributions of the Department of Political Affairs, the United Nations Conference on Trade and Development, the

United Nations Relief and Works Agency for Palestine Refugees in the Near East, the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Human Settlements Programme, the United Nations Development Programme, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the World Health Organization, the United Nations Environment Programme, the Office of the United Nations Special Coordinator for the Middle East Peace Process and the League of Arab States.

I. Introduction

1. In its resolution 2013/8, the Economic and Social Council expressed concerns over the practices of Israel, the occupying Power, in the Occupied Palestinian Territory and the occupied Syrian Golan, which violate international humanitarian law. These concerns were echoed by the General Assembly in its resolution 68/235. The practices included causing deaths and injuries to civilians, including children, women and peaceful demonstrators, all of whom must be protected in accordance with international humanitarian law; the rising incidence of violence by illegal, armed Israeli settlers against Palestinian civilians and their properties; and the continued detention of thousands of Palestinians, including children and women, under harsh conditions. Of concern also to the Council and the Assembly were the accelerated construction by Israel of settlements; the construction of the wall inside the Occupied Palestinian Territory; the exploitation of Palestinian natural resources; the increased demolition of homes, economic institutions, agricultural lands and infrastructure; the revocation of residency rights of Palestinians in and around occupied East Jerusalem; and the ongoing Israeli military operations and policies of closures and severe restrictions on the movement of persons and goods, including what in effect amounts to a blockade on the Gaza Strip. The Council and Assembly in their respective resolutions also highlighted the detrimental impact of Israeli practices on the natural resources and the social and economic conditions of the Palestinian people and the Arab population in the occupied Syrian Golan.

2. The present note highlights the practices by Israel, the occupying Power, that are of concern to the Economic and Social Council and the General Assembly as reflected in the aforementioned resolutions, and that have persisted over the reporting period, 1 April 2013 to 31 March 2014.

II. Occupied Palestinian Territory

3. Eighteen Security Council resolutions[1] reaffirm the applicability of the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to territories occupied by Israel since 1967 (see A/HRC/22/63, para. 14).

Israeli policies affecting Palestinians

4. At its eightieth session, the Committee on the Elimination of Racial Discrimination reiterated previous concerns about the general segregation of communities under Israeli jurisdiction. The Committee censured Israel in connection with its general recommendation 19 (1995) concerning segregation and apartheid, as prohibited by article 3 of the International Convention for the Elimination of All Forms of Racial Discrimination, and urged Israel to prohibit and eradicate policies or practices of racial segregation and apartheid, which "severely and disproportionately affect the Palestinian population".[2]

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[1] Resolutions 237 (1967), 271 (1969), 446 (1979), 465 (1980), 471 (1980), 476 (1980), 484 (1980), 592 (1986), 605 (1987), 636 (1989), 641 (1989), 672 (1990), 673 (1990), 681 (1990), 726 (1992), 799 (1992), 1322 (2000), 1544 (2004).

[2] John Dugard and John Reynolds, "Apartheid, international law, and the Occupied Palestinian Territory", *European Journal of International Law*, vol. 24, No. 3 (2013) pp. 867-913; CERD/C/ISR/CO/14-16, para. 24; see also A/HRC/25/67.

Discrimination and segregation

5. Many of Israel's policies related to settlements activity in the Occupied Palestinian Territory amount to "de facto segregation". This includes cases of inequality and separation between Palestinians and Israeli settlers related to the use of roads and infrastructure or access to basic services and water resources. Such separation is concretized by the implementation of a complex combination of movement restrictions consisting of the wall, roadblocks, the obligation to use separate roads and a permit regime that only impacts the Palestinian population (see CERD/C/ISR/CO/14-16, para. 24).

6. A legal regime of segregation is operating in the Occupied Palestinian Territory, enabling the establishment and the consolidation of settlements, whereby Israeli laws applied personally to Israelis in the West Bank give them preferential legal status over Palestinians. This violates Palestinians' rights to non-discrimination, equality before the law and equal protection of the law (see A/HRC/22/63, paras. 40 and 49). This is particularly disconcerting since recent years have witnessed racist and xenophobic acts, manifestations and discourse, especially by Israeli settlers against Palestinians (see CERD/C/ISR/CO/14-16, para. 23) (see the section on settler violence below).

Zoning and planning

7. The restrictive regime for Palestinian construction in the West Bank, including East Jerusalem, constitutes another example of discrimination against Palestinians (see A/68/513, para. 12). This regime and its associated planning policies render it "virtually impossible" for the Palestinian residents of Area C,[3] as well as East Jerusalem, to meet their basic housing, livelihood and development needs and rights.[4]

8. Area C, constituting over 60 per cent of the West Bank, is the only contiguous territory, owing to the fragmented nature of Areas A and B.[5] The Israeli authorities have in practice permitted Palestinian construction on lands comprising only 0.5 per cent of Area C; in contrast, construction related to Israeli settlements is allowed on 8.5 per cent of the land in Area C, while an additional 61 per cent of Area C land comes under the jurisdictional areas of the settlements' local and regional councils and can be made available for settlement planning and development in the future.[6]

9. Furthermore, Israeli authorities prevent Palestinians from developing most private lands in Area C on the grounds that they were zoned for agricultural use, whereas extensive areas of Area C have been reclassified from "agricultural" to "residential" to allow for the establishment of settlements.[7] Hence, more than

[3] Area C is the area that lies under full Israeli security and administrative control, according to the Oslo Accords.

[4] Information from the Office for the Coordination of Humanitarian Affairs, citing World Bank, "West Bank and Gaza: Area C and the Future of the Palestinian economy", report No. AUS2922, 2 October 2013.

[5] Area A is the area where the Palestinian government is granted security and administrative control, while Area B is the area where Israel exercises security control while the Palestinian government controls administrative aspects.

[6] Information provided by the Office for the Coordination of Humanitarian Affairs.

[7] Ibid.

94 per cent of Palestinian construction permit applications in Area C were rejected by the Israeli authorities between 2000 and 2012.[8]

10. In June 1967, Israel illegally annexed 70 square kilometres (km^2) of land, incorporating East Jerusalem and a number of nearby Palestinian villages into the expanded boundaries of the Israeli-defined municipality of Jerusalem (see Security Council resolution 478 (1980)). It promptly built 12 Israeli settlements that virtually enveloped nearby Palestinian quarters and villages. Another outer layer of settlements beyond the municipal boundaries was also built, compromising the geographical continuity of the city — traditionally the economic, cultural and spiritual centre of Palestine — from the rest of the West Bank (see A/HRC/22/63, para. 25).

11. In addition, since the 1970s, the Jerusalem municipality of Israel has openly pursued a policy known as "demographic balance", most recently seen in the city master plan also known as "Jerusalem 2000", which calls for a 60/40 demographic balance in favour of Jewish residents (ibid.).

12. Over 35 per cent of Palestinian land in the Israeli-defined municipal area of East Jerusalem has been confiscated since 1967 for settlement use, and only 13 per cent is available for Palestinian construction. However, much of this land is already built up and the permitted construction density is limited. The difficulty and high cost of the permit application process, as well as a range of issues related to land registration, make it extremely difficult for Palestinians to obtain building permits from the Israeli authorities.[9]

13. As a result, it is estimated that at least 33 per cent of all Palestinian homes in East Jerusalem lack Israeli-issued building permits and are hence vulnerable to demolitions and stop-work orders, placing over 93,000 Palestinians at risk of displacement.[10]

Other East Jerusalem policies

14. In Jerusalem, displays of Palestinian political symbols have been punishable by fines or imprisonment. Israeli security forces regularly prohibit and shut down meetings or conferences held in Jerusalem that are affiliated with official Palestinian institutions or with Palestinian officials in attendance.[11]

15. Although Israeli law entitles Palestinian residents of Jerusalem to full and equal municipal and other services, the municipality of Jerusalem has failed to provide sufficient social services, infrastructure, emergency planning and postal service for Palestinian neighbourhoods in Jerusalem. In addition, bus services in Jerusalem have been largely segregated between Israelis and Palestinians.[12]

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[8] B'tselem, *Acting the Landlord: Israel's Policy in Area C, the West Bank*, June 2013, p. 19.

[9] Information from the Office for the Coordination of Humanitarian Affairs.

[10] Information from the United Nations Human Settlements Programme.

[11] United States Department of State, Country Reports on Human Rights Practices for 2013, Israel and The Occupied Territories — The Occupied Territories, available from www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=220358&year=2013#wrapper.

[12] Ibid.

Residency status

16. The right to reside in East Jerusalem was restricted to those Palestinians who were recorded as living within this expanded municipal boundary at the time of its occupation by Israel in 1967. These Palestinians were defined as permanent residents of Israel, with strict rules governing their residency status and a number of provisions allowing the revocation of this status.[13] Based on these rules, in addition to other regulations it has invoked, Israel has de facto expelled about 15,000 Palestinians from East Jerusalem so far (see A/68/77-E/2013/13).

17. The ban on granting Israeli citizenship to children born of an Israeli parent and a parent from the Occupied Palestinian Territory, the Israeli decision to stop processing residency applications for Palestinian children since 2000 and the revocation of residency of those living in East Jerusalem have resulted in an estimated 10,000 unregistered Palestinian children[14] being excluded from access to health services, education and any other type of social benefits. In addition, these restrictions prevent thousands of Palestinian children from living with their parents (see CRC/C/ISR/CO/2-4, para. 29), while others live with the fear of being separated because of the severe restrictions on family reunification under the Citizenship and Entry into Israel Law as amended in 2005 and 2007. These laws and measures can also prevent children who have lost one of their parents from reuniting with their surviving parent (ibid., para. 49).

Excessive use of force

18. During the reporting period, 40 Palestinian civilians were killed and another 3,654 were injured by Israeli security forces and settlers throughout the Occupied Palestinian Territory. The casualties included at least 5 Palestinian children killed and another 1,001 injured.

19. The year 2013 witnessed more than double the number of child casualties compared to 2012;[15] children account for approximately 32 per cent of those injured in violence by Israeli forces in the West Bank.[16]

20. Also during the reporting period, 2 Israeli civilians were killed in the Occupied Palestinian Territory and another 134 were injured, including 2 children.[17]

21. According to Amnesty International, which investigated the shooting deaths of 25 Palestinians in the West Bank in 2013, the circumstances point to those killed having been the victims of unlawful killings and, in some cases, wilful killings; "if so, such killings would amount to war crimes".[18]

22. Amnesty International also concluded that the patterns of excessive use of force by Israeli forces have taken place with virtual impunity.[19] Approximately 94 per cent of criminal investigations launched by the Israeli army against soldiers

[13] Information from the Office for the Coordination of Humanitarian Affairs.

[14] Defence for Children International Palestine, "Israeli law tears Palestinian families apart", available from www.dci-palestine.org/documents/israeli-law-tears-palestinian-families-apart.

[15] Information provided by the United Nations Children's Fund (UNICEF).

[16] Information provided by the Office for the Coordination of Humanitarian Affairs.

[17] Ibid.

[18] Amnesty International, "Trigger-happy: Israel's use of excessive force in the West Bank" (London, 2014), pp. 10, 12, 60.

[19] Ibid., p. 10.

suspected of criminal violent activity against Palestinians and their property are closed without any indictments. In the rare cases that indictments are served, conviction leads to very light sentencing.[20]

Arbitrary arrests and detentions

23. Israeli forces, claiming security concerns, conducted 3,844 search and arrest operations in the West Bank in 2013, during which 8 Palestinian civilians were killed and another 239 were injured; 4,652 Palestinian civilians were arrested during these operations.[21] In the Gaza Strip, 11 patients and patient companions en route to medical facilities were detained at the Erez checkpoint during 2013.[22]

24. Some 800,000 Palestinians have been detained in Israel since 1967.[23] At the end of January 2014, according to B'tselem, 4,881 Palestinian so-called security detainees and prisoners were held in Israeli prisons,[24] including 183 children.[25]

25. Although Israeli law provides safeguards against arbitrary arrest and detention, key safeguards do not apply to Palestinian "security detainees", who are subject to the jurisdiction of Israeli military law; Israeli military courts had a conviction rate of more than 99 per cent for Palestinians.[26]

26. Throughout 2013, a monthly average of 198 children were in Israeli military custody.[27] Notwithstanding Israel's announcements that it would take steps to address the concerns of United Nations and other entities,[28] Palestinian children continue to be routinely arrested in the middle of the night, taken hand-tied and blindfolded to unknown destinations; their parents rarely know where their children have been taken. They are systematically subjected to physical and verbal violence, humiliation, painful restraints, threats of death and other forms of violence, and restricted access to toilet, food and water. "These crimes" are perpetrated from the time of arrest, during transfer and interrogation, to obtain a confession but also on an arbitrary basis. In addition, Palestinian children are subjected to solitary confinement, sometimes for months (see CRC/C/ISR/CO/2-4, para. 35).

27. During 2013, UNICEF and partners documented 107 cases of ill-treatment of children by the Israeli security forces, including 11 cases under the age of 14.[29]

28. Arrested Palestinian children can be detained for four days before being brought before a judge. They are not always informed of their rights and confessions obtained from them under duress are used as the main evidence. Most of the

[20] Yesh Din, "Criminal accountability of Israeli security forces", available from www.yesh-din.org/cat.asp?catid=2, accessed on 27 March 2014.
[21] Information from the Office for the Coordination of Humanitarian Affairs.
[22] Information from the World Health Organization (WHO).
[23] Palestinian Central Bureau of Statistics, "Special statistical bulletin on the 65th anniversary of the Palestinian nakba", available from www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_nakba65E.pdf.
[24] B'tselem, "Statistics on Palestinians in the custody of the Israeli security forces", available from www.btselem.org/statistics/detainees_and_prisoners, accessed on 24 March 2014.
[25] Information provided by UNICEF.
[26] United States Department of State.
[27] B'tselem, "Statistics on Palestinian minors in the custody of the Israeli security forces", available from www.btselem.org/statistics/minors_in_custody.
[28] Information provided by UNICEF.
[29] Ibid.

Palestinian children are accused of stone throwing, which is considered a security offence that can carry a maximum penalty of 20 years of imprisonment (ibid., para. 73).

29. At least 215 Palestinian children detained since 2009 have been transferred out of the Occupied Palestinian Territory to serve their detention and sentences inside Israel, in breach of article 76 of the Fourth Geneva Convention. A large number of them are detained in overcrowded cells together with adults in poor conditions, with poor ventilation and no access to natural light. Poor-quality and inadequate amounts of food, harsh treatment by prison officials and deprivation of any form of education add to their plight (ibid., para. 73).

30. The Addameer organization reported that female prisoners were also subjected to the same psychological and physical abuse as their male counterparts, such as beatings, intrusive body searches, threats and sexual harassment.[30]

31. The Public Committee against Torture in Israel reported in July 2013 that, despite having filed more than 776 complaints since 1999, no complaint of torture resulted in a criminal investigation, prosecution or conviction.[31]

32. Of continuing concern was the ongoing practice of administrative detention, which permits detainees to be held for indefinite renewable periods.[32] Citing security concerns, Israeli authorities do not afford administrative detainees an opportunity to refute allegations or access the evidentiary material presented against them in court.[33] According to B'tselem, by the end of January 2014, there were 175 Palestinian administrative detainees in Israeli prisons.[34]

Displacement, property destruction and confiscation

33. In the Occupied Palestinian Territory as a whole, Israeli authorities demolished 663 Palestinian structures in 2013 (98 in East Jerusalem), compared with 604 in 2012, thereby displacing 1,103 people, compared with 886 in the previous year,[35] with refugees accounting for 34 per cent of those displaced.[36]

34. In a number of instances, the Government of Israel charges demolition fees to demolish a home. That, at times, caused Palestinians to destroy their own homes to avoid the higher costs associated with Israeli demolitions.[37]

35. Since the beginning of the occupation in 1967, Palestinians have seen over 1 billion square metres (m^2) of their land seized and placed within the jurisdictional boundaries of local and regional settlement councils (see A/HRC/22/63, paras. 63-64);

[30] Information provided by the United Nations Entity for Gender Equality and the Empowerment of Women.
[31] United States Department of State.
[32] Information provided by the Office for the Coordination of Humanitarian Affairs.
[33] United States Department of State.
[34] B'tselem, "Statistics on Palestinians in the custody of the Israeli security forces", available from www.btselem.org/statistics/detainees_and_prisoners, accessed on 11 March 2014.
[35] Input provided by the Office for the Coordination of Humanitarian Affairs.
[36] Information provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).
[37] United States Department of State.

this includes approximately 40 per cent of the total area of the West Bank[38] (see sections above for East Jerusalem).

36. In Gaza, it is estimated that there is a shortfall of over 70,000 housing units, while 12,500 people remain displaced.[39]

37. The situation in Gaza is compounded by substandard housing; overcrowding results in the deterioration of health and hygiene conditions, in turn leading to heightened public health risks.[40]

Settlements and settler violence

38. In addition to violating international humanitarian law, the establishment of Israeli settlements, along with their infrastructure, in the West Bank, including East Jerusalem, is leading to "a creeping annexation that prevents the establishment of a contiguous and viable Palestinian State and undermines the right of the Palestinian people to self-determination" (see A/HRC/22/63, paras. 101 and 102).

39. These settlements are established for the exclusive benefit of Israeli Jews, and are being maintained and developed through a system of total segregation between the settlers and the rest of the population living in the Occupied Palestinian Territory (ibid., para. 103).

40. Since 1967, consecutive Governments of Israel have directly promoted settlements, and their expansion, by means of planning policies, legalizing outposts, controlling land on which settlements are subsequently built, providing them with infrastructure and public services, granting benefits and incentives to settlers and sponsoring economic activities (see A/68/513, para. 15).

41. In 2013, the Government of Israel added nine new settlements, including three former outposts, legalized in 2012, to the 91 settlements on the list of national priority area level A, which receive the maximum benefits in all fields (ibid., paras. 24-26).

42. These policies amount to the transfer of Israeli citizens into the Occupied Palestinian Territory, which is prohibited under international humanitarian law and international criminal law (see A/HRC/22/63, para. 38).

43. Data indicate that there were 563,546 settlers in the West Bank in 2012[41] living in 250 Israeli settlements across the occupied West Bank territory, including occupied East Jerusalem (ibid., para. 28).

44. During 2013, Israel started construction on 2,534 housing units in settlements in the West Bank, excluding East Jerusalem, comprising an increase of 123.7 per cent over 2012.[42]

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[38] Input provided by the Office for the Coordination of Humanitarian Affairs.

[39] Information provided by the Office of the United Nations High Commissioner for Human Rights (OHCHR), citing Office for the Coordination of Humanitarian Affairs, Protection of Civilian Weekly Report, 14-21 December 2013.

[40] Information provided by UNRWA.

[41] Palestinian Central Bureau of Statistics, press release, 13 August 2013.

[42] Israel Central Bureau of Statistics, "Construction begun and construction completed in 2013", available from www1.cbs.gov.il/reader/newhodaot/tables_template_eng.html?hodaa=201404052.

Settler violence

45. Recent years have witnessed an increase in racist violence and acts of vandalism on the part of Israeli settlers targeting Palestinians (see CERD/C/ISR/CO/14-16, para. 28).

46. With few exceptions, Israeli settlers who are responsible for attacking Palestinians and their property enjoy a high degree of impunity.[43] This occurs despite the fact that settler attacks and intimidation regularly take place during daylight hours; the identities of perpetrators are well known, or could easily be identified; there is usually video and photographic footage of the incident; and the frequent presence of Israeli security forces at the scene during such incidents. However, when acts of violence are committed by Palestinians against settlers, they are swiftly and effectively addressed (see A/HRC/22/63, paras. 43 and 50).

47. Thus, another form of institutionalized discrimination is noted in addressing the issue of violence. Between 90 and 95 per cent of cases of Palestinian violence are investigated and go to court (ibid.), while 84 per cent of investigations into settler attacks against Palestinians and their property (97.4 per cent of cases of vandalism of trees) are closed without indictments.[44]

48. In 2013, 93 settler attacks were recorded that resulted in injuries to 146 Palestinians, in addition to 306 attacks that resulted in damage to Palestinian private property. Another 201 Palestinians were injured by Israeli forces who intervened during clashes between settlers and Palestinians.[45] Among the casualties, 40 Palestinian boys and 9 girls were injured in settler attacks in the West Bank and East Jerusalem. Most of these incidents took place when children were going to or returning from school.[46] In some cases, attacks are followed by settlers taking over land in the area of the incident and starting to cultivate it.[47]

49. During 2013, settlers uprooted 13,097 trees[48] and burned over 280,000 m^2 of agricultural and grazing land.[49]

50. Since 2008, mosques and churches have been targeted in settler attacks, including at least nine arson attacks against Palestinian mosques and 21 incidents in which graffiti were used to desecrate mosques, churches and burial grounds with provocative slogans of a racist or sacrilegious nature (see A/HRC/22/63, para. 60).

West Bank wall

51. In spite of the advisory opinion of the International Court of Justice on the legal consequences of the Construction of a Wall in the Occupied Palestinian Territory, of 9 July 2004, Israel continued the construction of the wall in 2013. Approximately 62.3 per cent of the wall has been completed and a further 9.1 per

[43] Amnesty International, "Trigger-happy", p. 60.

[44] Yesh Din, "97.4 percent of investigative files relating to damage to Palestinians' olive trees are closed due to police failings", available from www.yesh-din.org/infoitem.asp?infocatid=473, accessed on 27 March 2014.

[45] Information provided by the Office for the Coordination of Humanitarian Affairs.

[46] Information provided by UNICEF.

[47] Information provided by the Office for the Coordination of Humanitarian Affairs.

[48] Input from the United Nations Environment Programme (UNEP).

[49] Information provided by UNRWA.

cent is under construction, with at least 85 per cent of the route intruding into the West Bank.[50]

52. Once the wall is complete, 80 per cent of the settler population in the West Bank and East Jerusalem will live on the Israel side, in effect rendering it "a de facto annexation wall"[51] that seriously impairs the contiguity and, thus, the viability, of a future Palestinian State.[52] It would also isolate 680 km^2 of Palestinian land between the wall and the Green Line, comprising approximately 12 per cent of the West Bank, including 454 km^2 of agricultural land, pastures and open areas. The wall also isolates 37 localities and deprives more than 50,000 Palestinian Jerusalemites from the right to reside in Jerusalem. Moreover, the wall surrounds 173 localities with a population of more than 850,000 inhabitants.[53]

53. The wall obliges farmers in approximately 150 communities who have land isolated between the wall and the Green Line to use a "prior coordination" mechanism or to obtain "visitor" permits from the Israeli authorities to access their farmland and water resources, with access restricted to a designated gate.[54]

Closure policies and mobility restrictions

54. B'tselem attests that Israel's policy pertaining to the mobility restrictions is "based on the assumption that every Palestinian is a security threat ...". This "racist assumption" brings with it the violation of the human rights of an entire population based on national origin.[55] Such restrictions amount to gross violations of the economic, social and cultural rights of the Palestinian people (ibid., para. 76).

Blockade on the Gaza Strip

55. The Israeli-imposed blockade on persons and goods imposed on the Gaza Strip since 2007[56] is considered by the International Committee of the Red Cross to be a collective punishment, in clear violation of Israel's obligations under international humanitarian law (see CRC/C/ISR/CO/2-4, para. 25), and having a disproportionate impact on vulnerable groups and the aid agencies trying to help them.[57]

56. Categories of individuals permitted to enter or exit the Gaza Strip at the Erez crossing with Israel were largely confined to humanitarian cases and a limited number of businesspersons.[58]

57. The import of essential goods and materials for public use in Gaza remains very limited. Despite announced Israeli measures towards easing the import of construction material, only very limited volumes and types of materials are allowed

[50] Information provided by the Office for the Coordination of Humanitarian Affairs.
[51] Information provided by the United Nations Conference on Trade and Development (UNCTAD).
[52] Information provided by the Office for the Coordination of Humanitarian Affairs.
[53] Palestinian Central Bureau of Statistics, "Special statistical bulletin".
[54] Information provided by the Office for the Coordination of Humanitarian Affairs.
[55] B'tselem, "Checkpoints, physical obstructions, and forbidden roads", available from www.btselem.org/freedom_of_movement/checkpoints_and_forbidden_roads, accessed on 10 March 2014.
[56] The partial blockade had started in June 2006.
[57] Information provided by UNRWA.
[58] United States Department of State.

into Gaza,[59] which still falls significantly short of meeting the needs of the Gaza population.[60]

58. In addition to the blockade, the failure of internal Palestinian negotiations on fuel prices led to the shutdown of the only power station in Gaza,[61] and since then the power supply has been restricted to eight hours a day.[62]

59. International aid organizations, particularly UNRWA and the United Nations Development Programme (UNDP), continued to report challenges related to the implementation of humanitarian projects in Gaza owing to significant delays and costs associated with the Israeli project-approval process and the import of materials.[63]

60. On 13 October 2013, Israeli authorities abruptly halted coordination and entry of construction material. In December 2013, coordination was made conditional upon additional measures for the control of construction material being implemented by UNRWA, which caused extra administrative and construction project costs.[64]

61. The fishing limit imposed by Israel remains at 6 nautical miles, though the most profitable fishing areas start at 8 nautical miles from shore. Fishermen continued to be subjected to shooting with live ammunition, detention, and confiscation and damaging of fishing boats and equipment by Israeli forces even while fishing in the permitted fishing zones.[65]

62. Citing militant activity, Israel also continues to impose "access restricted areas" along the Gaza borders of up to 300 m from the border fence, most of which are agricultural areas, which Palestinians are barred from entering.[66]

Movement of persons and goods within the West Bank

63. Prolonged checks and searches at some of the checkpoints, humiliating treatment by soldiers and long lines deter Palestinian drivers from using some of the roads, while some of the main roads are used almost exclusively by settlers.[67]

64. The fear of physical threats, ranging from settler violence to fear of harassment and humiliation at checkpoints, compounds the exclusion of women and girls, confining their movement and, in consequence, their access to basic services, public spaces and economic and education opportunities.[68]

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[59] Information provided by OHCHR.

[60] Ibid., citing Office for the Coordination of Humanitarian Affairs, Protection of Civilian Weekly Report, 1-7 October 2013.

[61] Information provided by OHCHR.

[62] Information provided by the Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO).

[63] Information provided by UNRWA and the United Nations Development Programme (UNDP).

[64] Information provided by UNRWA.

[65] Information provided by OHCHR, citing information from the Union of Agricultural Work Committees.

[66] Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin Monthly Report, November 2013, p. 8.

[67] B'tselem, "Checkpoints, physical obstructions, and forbidden roads".

[68] Ibid.

65. By September 2013, 65.12 km of roads in the West Bank were classified by Israel for the sole, or virtually sole, use of Israelis. In addition, Palestinian motor traffic is prohibited on 6.72 km of internal roads in downtown Hebron, where some sections are off-limits to Palestinian pedestrian traffic as well.[69] The prohibition, which began in 2000, resulted in the closure of 1,829 businesses and 1,014 Palestinian housing units, according to B'tselem.[70]

66. During 2013, UNRWA faced continued restrictions by Israeli authorities in accessing refugee communities in the West Bank, with major implications for its ability to meet the humanitarian needs of Palestine refugees.[71]

Access to East Jerusalem

67. Restrictions on movement affected virtually all aspects of life, including access by Palestinians to places of worship, employment, agricultural lands, schools and hospitals, as well as the conduct of journalistic, humanitarian and non-governmental organization activities.[72]

68. Patients referred for treatment to the East Jerusalem hospitals, as well as parents accompanying ill children and hospital staff from Gaza and the West Bank, must obtain a permit from the Israeli authorities in order to access their health care or work. Twenty per cent of applicants are routinely denied, and permit holders are restricted to travel by foot across designated checkpoints. Checkpoints that are crowded and can be closed without warning also halt the direct entry of 90 per cent of Palestinian Red Crescent ambulances from the West Bank into Jerusalem.[73]

Exploitation, endangerment and depletion of Palestinian natural resources

Water

69. The Western Aquifer Basin is among the most productive water basins in the Occupied Palestinian Territory. Israel currently controls 100 per cent of the aquifer and abstracts 94 per cent of its water, while Palestinians abstract only 6 per cent.[74]

70. Discriminatory allocation of water resources persists. Approximately 1 million Palestinians in the West Bank consume 60 litres of water per capita per day or less, significantly below the WHO recommendation of 100 litres per day, while Israeli settlers consume six times that amount. In addition, an estimated 313,000 Palestinians are not connected to a water network, which translates into enormous costs related to water purchase.[75] Settlements benefit from enough water to run farms and orchards, and for swimming pools and spas, while Palestinians struggle to satisfy their minimum water requirements (see A/HRC/22/63, para. 85).

71. The capacity of the Palestinian Water Authority to develop new water resources is hampered by the water management arrangements governed by the Joint

[69] Ibid.
[70] United States Department of State.
[71] Information provided by UNRWA.
[72] United States Department of State.
[73] Information provided by WHO.
[74] Economic and Social Commission for Western Asia and Federal Institute for Geosciences and Natural Resources (Bundesanstalt für Geowissenschaften und Rohstoffe), *Inventory of Shared Water Resources in Western Asia* (United Nations publication, Sales No. E.13.II.L.4).
[75] Information provided by UNICEF.

Water Committee set up in the context of the Oslo Accords, where Israel has predominance in terms of the allocation of West Bank water resources, of which it withdraws 90 per cent. A large number of Palestinian projects are rejected by the Committee. In Area C, additional approval is required from the Israeli civil administration, even for such small-scale projects as wells and rainwater collection cisterns (ibid., para. 81). As a result, wells and springs that are available to Palestinians are generally degraded, while Israel simultaneously continues to drill deeper and more efficient wells for its own use. In addition, when Palestinians do have piped water, it is often siphoned off from water points for Israeli settlements, albeit with lesser volume. The diversion points are usually placed within settlements, making them vulnerable to settlers disconnecting or shutting down the water flowing to the Palestinian villages.[76] Furthermore, in the event of a water shortage, valves supplying Palestinian communities are closed. This does not happen for settlements (ibid., paras. 83 and 84).

72. As a result, over 300,000 people are at risk of acute water scarcity, receiving supply through unreliable connections.[77] Palestinian communities in Area C have come to depend on purchasing water from Israeli private suppliers.

73. Between 2009 and 2012, 92 cisterns, 62 wells, 30 pools and 19 water tanks, 5 springs, 1 pipeline and 20 sanitation structures were demolished by Israel, and 27 water and sanitation structures were confiscated. Furthermore, of 56 water springs in the West Bank in the vicinity of Israeli settlements, 30 have been taken over completely by Israeli settlers, while the other 26 are at risk of takeover.[78]

74. The denial of water is used to trigger displacement, particularly in areas slated for settlement expansion, since these communities are comprised mostly of farmers and herders who depend on water for their livelihoods (ibid., para. 88).

75. In East Jerusalem, residency permits compound the difficulty for Palestinian Jerusalemites to connect legally to the water network because of a lack of building permits, which are almost impossible to obtain.[79]

76. Gaza relies almost completely on the underlying coastal aquifer in which salinity levels have risen well beyond guidelines set by WHO for safe drinking water. Today, 90 per cent of the water from the aquifer is not safe for drinking without prior treatment. Households in Gaza are spending up to one third of their income on drinking water. In addition, bacteriological contamination has been detected in the purchased water, putting 1,145,941 people at risk.[80]

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[76] Information provided by UNICEF, citing Emergency Water, Sanitation and Hygiene Group and Al-Haq, "Israel's violations of the International Covenant on Economic, Social and Cultural Rights with regard to the human rights to water and sanitation in the Occupied Palestinian Territory", September 2011.

[77] Information provided by UNICEF, citing Emergency Water, Sanitation and Hygiene Group, Advocacy Task Force Briefing.

[78] Information provided by UNICEF, citing the Office for the Coordination of Humanitarian Affairs, 2012.

[79] Information provided by UNICEF, citing Emergency Water, Sanitation and Hygiene Group, Advocacy Task Force Briefing.

[80] Information provided by UNICEF, citing August 2011 statistics.

Waste management and sanitation

77. In Gaza, huge investment in treatment facilities and associated infrastructure is urgently needed to cope with the existing demand. Operation of the systems is also currently subjected to electricity fluctuations. Some 90 million litres of raw or partly treated sewage have to be released daily into the Mediterranean Sea, creating pollution, health hazards and problems for the fishing industry.[81]

78. In the West Bank, a restrictive permit regime has prevented the development of wastewater networks. About 68 per cent of the West Bank population (1.6 million people) are not connected to the wastewater network. In the rural area, there are almost no sewer networks and the communities depend on haphazardly constructed septic tanks or cesspits that leach into the groundwater.[82]

79. An additional risk to Palestinians is the 5.5 million cubic metres (m^3) of wastewater generated every year by settlements and released into the West Bank.[83]

80. In 2013, Israeli security forces closed the disposal site of Al Bireh municipality, creating a huge environmental problem in the governorate. The Israeli authorities informed the relevant parties that the Al Minya sanitary landfill, a project funded by the World Bank and other donors, could not be opened unless it also received waste from the Israeli settlements in the vicinity.[84]

Access to land

81. In the West Bank, Palestinian farmers whose agricultural lands are located inside or near settlements face regular restrictions on access and settler attacks against them and their properties. Access by Palestinians to such land is subject to "prior coordination" with the Israeli authorities, even in cases where the land was fenced off by settlers without authorization from the Israeli authorities (A/68/513, para. 49).

82. Overall, the restricted land area was estimated to encompass 17 per cent of the total land mass of the Gaza Strip and 35 per cent of its agricultural land (see A/68/77-E/2013/13, para. 56).

Economic and social conditions

83. In a context of continued deterioration of socioeconomic conditions, the gap between increasing humanitarian needs and available funding has grown sharply during the reporting period, particularly regarding UNRWA and the Gaza Strip.[85]

The economy

84. The economy of the Occupied Palestinian Territory, directly and indirectly afflicted by the Israeli occupation, continued its negative trend during 2013.

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[81] Information provided by UNICEF, citing the Office for the Coordination of Humanitarian Affairs, 2012.

[82] Information provided by UNICEF.

[83] Information provided by UNICEF, citing B'tselem, 2009.

[84] Information provided by UNEP.

[85] Information provided by UNRWA.

85. The real gross domestic product (GDP) of the West Bank and Gaza increased by only 1.5 per cent in 2013, according to estimates by the International Monetary Fund (IMF).[86] This continues the marked slowdown from growth rates of 12.2 per cent in 2011 and 5.9 per cent in 2012.[87]

86. The destruction of the productive base in the West Bank and Gaza as a result of recurrent Israeli military actions, restriction of movement of Palestinian workers, limitations on transport and telecommunication infrastructure, loss of sovereignty over domestic natural resources, severe constraints on international trade and use of the relatively strong Israeli currency, among other factors, have weakened the Palestinian economy. As a result, the productivity of the economy has fallen sharply, leading to a loss of competitiveness of the exporting sector. Indeed, by 2012 the exports of goods and services accounted for only 16 per cent of GDP.[88]

87. A direct consequence of the slowing economic growth is the high unemployment rate in the West Bank and Gaza, which stood at 25.2 per cent of the labour force in the fourth quarter of 2013, significantly above the rate of 22.9 per cent observed during the same period of 2012.[89,90]

88. Unemployment particularly affected specific groups of the Palestinian population: those living in Gaza (38.5 per cent, compared to 18.2 per cent in the West Bank), women (33.5 per cent), the refugee population (32.3 per cent) and youth (39.0 per cent for the population aged 15-29).[91]

89. Prolonged episodes of high unemployment and unstable working conditions will inevitably exact a high socioeconomic toll into the foreseeable future because of the resulting large-scale deskilling of workers, discouraging investment and rendering some of the workers not just unemployed, but unemployable.[92]

90. The latest poverty statistics indicate that 26 per cent of Palestinians lived below the poverty line in 2011 (18 per cent in the West Bank and 30 per cent in Gaza). The poverty rate in Gaza is much higher and the poverty gap is deeper and more severe there. This is a direct consequence of the occupation policies, which

[86] IMF, "Statement at the conclusion of an IMF mission to the West Bank and Gaza", press release No. 14/44, 6 February 2014, available from www.imf.org/external/np/sec/pr/2014/pr1444.htm, accessed 8 April 2014.

[87] Palestinian Central Bureau of Statistics, Gross domestic product by expenditure for the years 1994-2011 at constant prices, available from www.pcbs.gov.ps/Portals/_Rainbow/Documents/EXPconstant%2094-11E.htm; and Value added by economic activity and region during the year 2012 at constant prices, available from www.pcbs.gov.ps/Portals/_Rainbow/Documents/GDP-%20ValueAdded2012E.htm.

[88] Palestinian Central Bureau of Statistics, Gross domestic product by expenditure and region for the quarters of the years 2011-2013 at constant prices, available from www.pcbs.gov.ps/Portals/_Rainbow/Documents/GDP-EXPCon2011-2012E.htm.

[89] Palestinian Central Bureau of Statistics, Labour Force Survey (October-December 2013) Round (Q4/2013), press report on the Labour Force Survey Results, available from www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_LFSQ42013E.pdf.

[90] Palestinian Central Bureau of Statistics, Labour Force Survey (October-December 2012) Round (Q4/2012), press report on the Labour Force Survey Results, available from www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_LFSQ42012E.pdf.

[91] Palestinian Central Bureau of Statistics, Labour Force Survey (October-December 2013) Round (Q4/2013), press report on the Labour Force Survey Results, available from www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_LFSQ42013E.pdf.

[92] Ibid.

have been particularly damaging in Gaza as a result of the blockade. In fact, GDP per capita in Gaza fell from 76 per cent of the West Bank GDP per capita in 2004 to only 51 per cent in 2012.[93] The fiscal crisis of the government of Palestine is exacerbated by Israel's control over the tax and customs clearance revenue (60-70 per cent of total public revenue), which it collects on behalf of the government of Palestine in accordance with the Protocol on Economic Relations between the Government of Israel and the Palestine Liberation Organization (Paris Protocol). Israel has repeatedly withheld this revenue, thereby creating severe difficulties with fiscal planning and leading to instability and reduced economic growth.[94]

91. The Israeli restriction on the economic activity in Area C is one of the occupation policies that most severely limit the development potential of the economy, given its territorial extension and the richness of the natural resources.

92. According to the World Bank, potential value added from easing current restrictions on access to, and activity and production in, Area C would likely have amounted to 35 per cent of Palestinian GDP in 2011. Such potential, if realized, would significantly reduce the budget deficit and would also be expected to lead to a large decrease in poverty, as a result of a 35 per cent increase in employment.[95]

Food security

93. The improvement of food security in the Occupied Palestinian Territory from 2009 to 2011 was reversed in 2012. Food insecurity levels rose dramatically, to reach 1,570,000 Palestinians (34 per cent of the population).[96] Overall, the deterioration in household food security reflects the worsening of socioeconomic conditions in both the West Bank and the Gaza Strip,[97] with an anticipated significant increase in food insecurity levels in 2014.[98]

94. In the West Bank, the "marginally secure" and "vulnerable" groups expanded, thus limiting the increase of the "food insecure" group. By 2012, an estimated 19 per cent of households were assessed as food insecure in the West Bank, indicating a lower resilience status of households.[99]

95. In the Gaza Strip, the combination of soaring unemployment, falling purchasing power and recurrent shocks has pushed the majority of the population into food insecurity. An estimated 57 per cent of households are food insecure, with food insecurity growing faster among refugees and in refugee camps.[100]

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[93] Ibid.

[94] Information provided by UNCTAD, 2013.

[95] World Bank, "West Bank and Gaza".

[96] Information provided by the Food and Agriculture Organization of the United Nations (FAO).

[97] Ibid.

[98] Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin Monthly Report, February 2014, p. 3.

[99] Information provided by FAO.

[100] Information provided by UNRWA, citing Palestinian Central Bureau of Statistics, FAO, World Food Programme and UNRWA, "Socio-economic & food security survey: West Bank and Gaza Strip, Palestine" (2012).

96. Food insecurity, affecting 23 per cent of the population, is also particularly high in refugee camps in the West Bank, compared with a food insecurity level of 18 per cent of non-refugee households in 2012.[101]

97. A fully fledged food insecurity crisis has been prevented only by the large-scale humanitarian assistance provided. Since 2000, UNRWA has spent more than $900 million in food and cash assistance benefiting the poorest refugees in Gaza, where more than 800,000 refugees now depend on the Agency's food assistance programme.[102]

Health

98. The poor quality and insufficient quantity of available water and inadequate wastewater treatment pose a major public health problem, particularly for children in the Gaza Strip.[103]

99. The public health system in Gaza remains fragile, dependent on donor aid and vulnerable to the closure of borders, restrictions on the movement of people and goods and Israeli military operations. These conditions are exacerbated by power cuts of up to 16 hours a day owing to a shortage of fuel entering Gaza.[104]

100. Almost 15,000 patients had to leave Gaza in 2013 in order to access life-saving medical care in East Jerusalem, the West Bank, Israel and Egypt. The volume of permit applications through the Erez crossing increased by 48 per cent in 2013 compared with 2012, reflecting more demand owing to drug shortages and reduced access via Rafah to Egypt. Twelve per cent of applicants were either denied permits or did not receive timely replies and missed their hospital appointments. Physical and bureaucratic delays in accessing treatment and the difficulty of passage present health risks, while the serious shortage of drugs and supplies in Gaza has made referrals to medical treatment outside the Strip even more necessary.[105]

101. Gaza health authorities estimate that by 2020 there will be a need for 800 additional doctors, 700 nurses and 900 administrative staff for optimal functioning of the Gaza public health network.[106] However, permits for travel to the West Bank and East Jerusalem for training have been restricted for many Gaza health staff.[107]

102. In the West Bank, Palestinian patients and their companions also need special Israeli-issued permits to access outside hospitals. In 2013 about 20 per cent of those requesting permits were denied or delayed in accessing referral health facilities in East Jerusalem and Israel.[108]

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[101] Information provided by UNRWA.
[102] Ibid.
[103] Information provided by OHCHR, citing Office for the Coordination of Humanitarian Affairs, Protection of Civilian Weekly Report, 14-21 December 2013.
[104] Information provided by the Office for the Coordination of Humanitarian Affairs.
[105] Information provided by WHO.
[106] See www.unsco.org/Documents/Special/Gaza%20in%202020%20a%20liveable%20place%20English.pdf.
[107] Information provided by WHO.
[108] Ibid.

103. Restrictions prohibiting East Jerusalem health-care institutions from procuring pharmaceuticals from suppliers in the West Bank have increased costs for hospitals in East Jerusalem.[109]

104. While Palestinian residents of East Jerusalem are entitled to the health services provided by the Israeli authorities, by virtue of their monthly payments to the Israeli National Health Insurance, there are inequalities in the number of facilities available to Palestinians compared with Israeli residents of Jerusalem, especially with regard to specialized services such as prenatal and paediatric clinics.[110]

Education

105. Gaza had a high literacy rate of 96 per cent in 2011.[111] Some 463,567 children, half of them girls, were attending school during the 2012/13 school year. Notwithstanding high attendance rates, sustaining the quality of education constitutes a significant challenge, owing partly to a shortage of schools — 67 per cent of government schools and 85 per cent of UNRWA schools run double shifts[112] — and as education staff cannot receive training abroad.[113]

106. The blockade has led to the stalling of investments in educational infrastructure in Gaza, resulting in the inability to build new schools. It is estimated that 250 new schools were needed in 2012, and an additional 190 schools would be needed by 2020, in order to accommodate the increase in the student population.[114]

107. In the West Bank, particularly Area C, the seam zone, East Jerusalem and other vulnerable areas such as Hebron, students and teachers are vulnerable to harassment, threats and violence on their way to and returning from school, and at times while at school, by Israeli settlers and Israeli security forces. A 2012 assessment of 116 communities in the West Bank showed that 33 per cent of children had to travel more than 5 km to school.[115]

108. In 2013, 36 boys and 9 girls were injured, mostly in Palestinian communities near Israeli settlements and when the children were going to or returning from school.[116]

109. During the same period, there were four instances of settlers attacking schools. Another 164 incidents, attacks or threats of attacks by settlers on schoolchildren were documented, resulting in disruption of classes or delays in going to school. This included instances of physical assault on schoolchildren by settlers, evacuation

[109] Ibid.
[110] Information provided by UNICEF.
[111] Information provided by UNICEF, citing the Palestinian Central Bureau of Statistics.
[112] Information provided by UNICEF, citing the Ministry of Education and Higher Education, 2012/13.
[113] Information provided by OHCHR, citing Office for the Coordination of Humanitarian Affairs, Protection of Civilian Weekly Report, 14-21 December 2013.
[114] Information provided by UNICEF, citing United Nations, Gaza and 2020: A liveable place?, August 2012.
[115] Information provided by UNICEF, citing Protection Cluster and Education Cluster, "Protection issues affecting access to education in the West Bank", March 2012.
[116] Information provided by UNICEF.

of schools owing to the threat of settler attacks and sewage from Israeli settlements flooding into school grounds.[117]

110. An estimated 10,000 Palestinian students in the West Bank attend classes in tents, caravans or tin shacks, with minimal protection from the heat or cold. Area C schools have poor sanitation. Inadequate water and sanitation facilities can contribute to school dropout rates.[118] The Palestinian government has been unable to obtain permits to build necessary classrooms or upgrade severely dilapidated buildings. In addition, there are 25 active demolition orders and 20 stop-work and one sealing orders for education facilities,[119] including two schools and one kindergarten.[120]

111. It is also estimated that, among other obstacles to movement into East Jerusalem, over 5,000 students face daily delays at checkpoint crossings because of permit checks on their way to school or ad hoc "flying" checkpoints being established. Children face harassment, threats and, in some cases, violence at these checkpoints. The resulting fear of harm and humiliation creates stress and fear among children and their families.[121]

112. It is estimated that there is a shortage in East Jerusalem of 2,200 classrooms.[122] As many as 90,000 school-age children in East Jerusalem do not have access to free public education. An estimated 4,329-5,300 children are not enrolled in any education institution in East Jerusalem, and the estimated secondary dropout rate is as high as 50 per cent in municipality schools.[123]

III. Occupied Syrian Golan

113. Israel continues to occupy the Syrian Golan, after it illegally announced its annexation in 1981. It is estimated that approximately 20,000 Israeli settlers live in 33 settlements in the occupied Syrian Golan. Israel continues to encourage the growth of the settler population in the Golan through socioeconomic incentives, in violation of the Fourth Geneva Convention. Israel also controls scarce water resources in the Golan and distributes a disproportionate share to Israeli settlements while a private Israeli company supplies water directly to Israeli settlers at preferential rates (see A/68/513, para. 53).

114. Syrian residents of the occupied Syrian Golan continue to suffer from discrimination in terms of access to land, housing and basic services, while the Citizenship Law continues to negatively impact on family ties (see CERD/C/ISR/CO/14-16, para. 29). Furthermore, Israel also violates its human rights obligations, including the right of Syrian citizens in the occupied Syrian Golan to

[117] Ibid.

[118] Information provided by UNICEF, citing UNICEF, "Bedouin schools fighting for survival in Area 'C'", September 2011.

[119] Education Cluster, Vulnerable School Matrix, 25 April 2013.

[120] Information provided by UNICEF.

[121] Information provided by UNICEF, citing Association for Civil Rights in Israel, Failed Grade: The Education System in East Jerusalem 2010, August 2010.

[122] Information provided by OHCHR, citing Office for the Coordination of Humanitarian Affairs, Protection of Civilian Weekly Report, 14-21 December 2013.

[123] Information provided by UNICEF.

freedom of movement and the right to an adequate standard of living (see A/68/379, para. 61).

115. Agriculture was the main source of income prior to the 1967 occupation, and is still the most important single source. However, it currently cannot sustain the population owing to discrimination in access to water as well as land, rendering farming uncompetitive and revenues from agricultural work insufficient. Employment has to be sought elsewhere, noting that prospects for the Syrian citizens in the occupied Syrian Golan remain constrained.[124]

116. Syrian farmers have access to only 200 m^3 of water per dunam of land, a mere 30 per cent of the water allocated to Israeli settlements. Hence, Syrian farmers have to pay considerably more than settlers for water owing to a discriminatory pricing system. Furthermore, the settlements have privileged access to markets as they can benefit from a range of distribution and retail networks.[125]

117. Israel also continues to exploit natural resources in the occupied Syrian Golan for its own benefit. In February 2013, the Israeli Ministry of Energy and Water exclusive petroleum exploration licence in the occupied Syrian Golan (see A/68/513, para. 54).

118. There have been reports that dispute Israeli claims that it lacked the resources to remove all landmines around the occupied Syrian Golan, including in agricultural land and in areas in close proximity to schools. Arab villagers in the Golan were being exposed as human shields to clear the landmines. It has also been reported that negligence by the Israeli forces in maintaining and repairing barbed wire around mined areas continued to claim the lives of children and villagers (A/68/379, para. 63).

119. Although there have been incidents over the ceasefire line in relation to the conflict in the Syrian Arab Republic, they have not had longer-term consequences for the area so far. However, the ongoing conflict in Syria can have a further negative impact on the situation of workers and their families.[126]

IV. Conclusion

120. The Israeli occupation has entailed institutionalized discriminatory measures, including laws, policies and military orders. A number of Israeli practices, including the settlement activities, which are illegal under international law, continue to constitute an obstacle to peace and a violation of the rights of the Palestinians and Syrians living under occupation.

121. The goal remains comprehensive peace and the resolution of all pertinent issues. This can only be achieved by ending the occupation, attaining the rights of the Palestinian and Syrian populations living under occupation, the implementation of relevant United Nations resolutions and adherence to international law and norms.

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[124] International Labour Office, *The Situation of Workers of the Occupied Arab Territories*, ILC.102/DG/APP (Geneva, 2013), para. 130.

[125] Ibid., para. 131.

[126] Ibid., para. 128.

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Oceans and the law of the sea

Letter dated 5 May 2014 from the Co-Chairs of the Ad Hoc Open-ended Informal Working Group to the President of the General Assembly

Pursuant to paragraph 80 of General Assembly resolution 60/30, we were reappointed as Co-Chairs of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, which was established pursuant to paragraph 73 of General Assembly resolution 59/24. In accordance with paragraphs 199 and 200 of General Assembly resolution 68/70, the Working Group met from 1 to 4 April 2014.

We have the honour to submit to you the Co-Chairs' summary of discussions at the meeting (see annex).

It would be appreciated if the present letter and the annex thereto could be circulated as a document of the General Assembly, under agenda item 75 (a).

(*Signed*) Palitha T. B. **Kohona**
Liesbeth **Lijnzaad**
Co-Chairs

* A/69/50.

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Annex

Co-Chairs' summary of discussions at the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction*

1. In paragraph 198 of its resolution 68/70, the General Assembly requested the Ad Hoc Open-ended Informal Working Group, within its mandate established by resolution 66/231 and in the light of resolution 67/78, and in order to prepare for the decision to be taken at the sixty-ninth session of the Assembly, to make recommendations to the Assembly on the scope, parameters and feasibility of an international instrument under the United Nations Convention on the Law of the Sea. To that end, the Assembly decided that the Working Group should meet for three meetings of four days each, with the possibility of the Assembly deciding that additional meetings would be held, if needed, within existing resources.

2. The first of these meetings of the Working Group was held at United Nations Headquarters from 1 to 4 April 2014, in accordance with paragraphs 199 and 200 of General Assembly resolution 68/70.

3. The meeting of the Working Group was presided over by two Co-Chairs, Palitha T. B. Kohona (Sri Lanka) and Liesbeth Lijnzaad (Netherlands), appointed by the President of the General Assembly in consultation with Member States.

4. The Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Miguel de Serpa Soares, delivered opening remarks on behalf of the Secretary-General.

5. Representatives of 70 Member States, one non-Member State, eight intergovernmental organizations and other bodies and eight non-governmental organizations attended the meeting of the Working Group.

6. The Working Group adopted the agenda without amendment (A/AC.276/9) and agreed to proceed on the basis of the proposed format and annotated agenda and organization of work (A/AC.276/L.12).

7. At the request of the Working Group, the Co-Chairs prepared the present brief summary of discussions on key issues, ideas and proposals referred to or raised during the deliberations. An informal Co-Chairs' overview of issues raised during the meeting is attached as an appendix to the summary (see also paras. 75 and 76).

General considerations

8. Delegations recalled the importance of the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. Some delegations noted that conserving and managing biodiversity in those areas required broad international cooperation.

9. Concerns were expressed over the unprecedented rate of loss of marine biodiversity. It was also emphasized that, with increased human activity in areas beyond national jurisdiction, both in terms of extent and scope, there was an

* The summary is intended for reference purposes only.

increased chance of putting at risk and damaging biodiversity, ecosystems processes and function and, in some instances, permanently altering the marine environment. The unsustainable use of marine biodiversity and the disruption of marine ecosystems were considered by several delegations to be threatening the survival of mankind given that the healthy functioning of those diverse systems sustained life on Earth.

10. Some delegations highlighted the accumulation of a number of threats to ecosystems beyond areas of national jurisdiction, including unsustainable resource utilization, destruction of habitats, pollution, ocean acidification and climate change. A view was expressed that unsustainable fishing, in particular overfishing, illegal, unreported and unregulated fishing and certain destructive fishing practices, was the greatest threat to marine biodiversity in those areas.

11. It was noted that increasing scientific knowledge of the oceans was a major challenge. In that regard, a call was made to prioritize research, monitoring and assessment of the impacts of human activities on marine biodiversity beyond areas of national jurisdiction.

12. Many delegations recalled the commitment of States, in paragraph 162 of "The future we want",[1] building on the work of the Ad Hoc Open-ended Informal Working Group and before the end of the sixty-ninth session of the General Assembly, to address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including by taking a decision on the development of an international instrument under the United Nations Convention on the Law of the Sea.

13. In that regard, some delegations noted that the General Assembly remained the appropriate forum through which to address the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. A view was expressed that the Assembly should initiate negotiations for an international instrument under the Convention in order to underscore its mandate in matters relating to oceans and the law of the sea. It was also noted that if progress could not be made at the Assembly, the issues would be taken up in other forums, with resulting overlapping agendas and mandates, as well as fragmentation.

14. Many delegations recalled the mandate of the Working Group, established in General Assembly resolution 66/231, to address the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, and environmental impact assessments, capacity-building and the transfer of marine technology. In that regard, they highlighted that those issues constituted the package that formed the building block for discussions on an international instrument under the Convention. It was noted that the process within the Working Group had now reached a critical phase, that of decision-making, and the enhanced mandate of the Working Group, through which discussions could take place on the scope, parameters and feasibility of an international instrument under the Convention, was welcome. Some delegations emphasized the importance of discussions within the Working Group in developing a common ground and in

[1] General Assembly resolution 66/288, annex.

addressing concerns, so that negotiations on an international instrument could be entered into in good faith.

15. Several delegations stated that the informal working document compiling the views of Member States on the scope, parameters and feasibility of an international instrument under the Convention, prepared and circulated pursuant to paragraph 201 of resolution 68/70, had been very useful in preparing for the meeting.

16. Delegations reiterated the role of international law, in particular the Convention, in addressing issues relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. Many delegations noted that, while the Convention lacked specific provisions on marine biodiversity beyond areas of national jurisdiction, it provided the legal framework for all activities in the oceans and seas and included the relevant principles.

17. Many delegations, while noting existing efforts, identified legal or regulatory and implementation gaps in relation to marine biodiversity beyond areas of national jurisdiction, which, they noted, evidenced the need for an international instrument that would focus on addressing those gaps. In particular, many delegations expressed the view that a legal or regulatory gap existed in respect of marine genetic resources, including the sharing of benefits. Among other gaps identified by several delegations were area-based management, including with regard to the establishment of marine protected areas, and the conduct of environmental impact assessments, for which no overarching global framework or mechanism existed. The need to address existing legal or regulatory and implementation gaps within the jurisdictional framework established by the Convention was highlighted by several delegations.

18. Concern was expressed by several delegations regarding unilateral measures by a few States at the regional level without coordination and global legitimacy. Several delegations also noted that exploitation by a few States of resources of areas that were a common heritage of mankind was inconsistent with the general principles of international law, including equity. Some delegations expressed the view that no activities should be carried out in that respect until an international instrument was adopted. The need to increase the legitimacy of current regulations for certain activities, which currently lacked universal participation, was also highlighted.

19. Several delegations observed that international cooperation and coordination among and between States and competent sectoral organizations should be strengthened.

20. Recognition was given by several delegations to the importance of levelling the playing field between developed and developing countries and of enhancing the capacity of developing countries to benefit from the conservation and sustainable use of oceans and seas and their resources beyond areas of national jurisdiction, including through benefit-sharing, transfer of technology and information-sharing. A view was expressed that strengthening capacity to allow developing countries to control areas within their jurisdiction might be of greater necessity.

21. Many delegations indicated that the status quo was not acceptable. However, different views were expressed on how to address that status quo. Many delegations expressed support for the development of an international instrument in the form of an implementing agreement under the Convention to effectively address the

conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction.

22. Several delegations noted that they did not wish to change the existing legal regime for the oceans as set out in the Convention, but rather wished to fill existing gaps and avoid fragmentation through an implementing agreement. Those delegations also observed that, without an implementing agreement, it would be difficult to establish marine protected areas networks, assess cumulative impacts or develop a benefit-sharing regime for marine genetic resources. It was noted that an international instrument would greatly assist in addressing both the present and future threats to marine biodiversity beyond areas of national jurisdiction. A view was expressed that an implementing agreement to the Convention would also allow holding States accountable for implementation. Many delegations also stressed that an implementing agreement would strengthen the Convention and elaborate on the principles and provisions enshrined in it. In that regard, several delegations also highlighted the principles contained in General Assembly resolution 2749 (XXV).

23. However, some delegations stressed that a number of global and regional instruments and organizations with relevant mandates existed and suggested that States should focus on implementing existing instruments, which already provided a basis for the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. The need to strengthen existing commitments by building on structures and mechanisms already in place was highlighted. It was pointed out, in response, that not all States were parties to those instruments or implemented them effectively. The lack of oversight to ensure compliance with those instruments was also highlighted.

24. A view was expressed that greater details and information, including on the objective and nature of an international instrument, were needed, as well as a common understanding of what the problems were and how to best address them.

25. Some delegations stated that they remained unconvinced about the need for an international instrument, noting that that might not be the optimal approach and that focusing on the implementation of existing instruments would be preferable.

26. Attention was drawn to the need to consider whether a legally binding instrument or a "soft law" approach, including through General Assembly resolutions, would be more effective. Some delegations noted, in that regard, that General Assembly resolutions on sustainable fisheries had been successfully implemented, in particular with regard to the provisions of resolution 61/105 addressing bottom fishing. A view was expressed that it was unrealistic to consider General Assembly resolutions as a suitable mechanism for the purposes sought under a new international instrument.

Scope, parameters and feasibility of an international instrument under the United Nations Convention on the Law of the Sea

27. Delegations recalled that the overall objective of an international instrument should be the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. In that context, many delegations emphasized that an international instrument under the Convention should address the package of issues set out in resolution 66/231, namely, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-

based management tools, including marine protected areas, and environmental impact assessments, capacity-building and the transfer of marine technology. Several delegations also considered that marine scientific research and intellectual property rights were part of the package.

28. Some delegations considered that there was a need to further elaborate on, and consider in greater detail, each element of the package in order to identify what the problems might be and how to address them. In particular, it was pointed out that not all aspects of the package would necessarily be better addressed by means of an international instrument under the Convention, and that other options might be considered to address issues for which there were no legal gaps.

29. Some delegations also noted the need to have a common understanding of key terms relating to the issues included in the package, including "marine biodiversity", "marine genetic resources", "areas beyond national jurisdiction", "area-based management tools" and "marine protected areas".

30. Several delegations called for a pragmatic approach to addressing the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. The need to proceed to the negotiations on the basis of consensus as well as a "package deal" approach, as had been done in the case of the negotiations leading to the adoption of the Convention, was also highlighted by some delegations.

Scope and parameters of an international instrument under the United Nations Convention on the Law of the Sea

31. Several delegations noted the absence of a clear distinction between the questions of scope and parameters. Some delegations also noted a link between scope, parameters and feasibility, noting that feasibility largely depended on agreement on the scope and parameters.

32. Delegations expressed different views on the extent to which the scope and parameters needed to be defined prior to taking a decision on whether to commence negotiations for an international instrument. Some delegations considered that the precise scope and parameters should be determined during the negotiations, while other delegations considered that it would be important to have a clear idea of the scope prior to deciding whether to commence negotiations.

33. Many delegations reiterated that the package of issues established in resolution 66/231 was the basis for discussions on the scope of an international instrument. The identification of possible gaps in respect of those issues was considered by several delegations as the starting point for determining the scope.

34. However, different views were expressed as to what constituted gaps in the existing regime. In that regard, the need to distinguish between legal or regulatory gaps and implementation gaps was underscored. While some delegations considered that an international instrument should focus on addressing legal or regulatory gaps, several delegations also expressed the view that an international instrument could promote a more comprehensive approach to, and strengthen implementation of, existing obligations and therefore also address implementation gaps. The need to determine how to identify whether an activity was regulated or not was underscored in that context.

35. A view was expressed that all human activities currently affecting marine biodiversity beyond areas of national jurisdiction were already regulated under existing mechanisms and an additional international instrument might therefore not be necessary. In that regard, some delegations pointed out that, in order to meet the challenge of the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction, States should seek to strengthen and optimize existing applicable tools. It was also noted that further analysis was needed to ensure that the scope of an international instrument was limited to areas where institutions did not already exist.

36. Several delegations sought to clarify the meaning of the term "parameters". The following were cited as parameters for an international instrument: overarching legal framework; applicable legal instruments, rules and norms; guiding principles; institutional and operational mechanisms; and procedural issues.

37. Many delegations noted that the Convention and relevant General Assembly resolutions provided the overarching legal framework under which an international instrument should be developed. Some delegations observed that, in order to maximize the possibility of universal participation, a prospective instrument could be based on the principles reflected in the Convention, but that did not exclude the possibility of an instrument separate from it, as the preamble of the Convention itself recognized that matters not regulated by it continued to be governed by the rules and principles of general international law. It was also emphasized that a prospective instrument should not seek to impose obligations contained in the Convention on States that had not yet consented to be bound by its provisions.

38. Many delegations proposed that an international instrument should operationalize the objectives, principles and norms contained in the Convention. In that regard, several delegations made specific reference to the principle of the common heritage of mankind and the provisions related to marine scientific research in the Area. Several other delegations stressed the requirements related to the protection and preservation of the marine environment, the duty to cooperate and the duty to undertake impact assessments. Some delegations also underscored the freedom of the high seas.

39. It was also stated that an implementing agreement to the Convention should include a number of guiding principles, including modern principles of governance. In that regard, several delegations highlighted a science-based approach, the use of the best available scientific information, an integrated approach, an ecosystem approach, the precautionary approach, sustainable and equitable use, equitable access and benefit-sharing, transparency, participation in decision-making, public availability of information and the polluter-pays principle. Other principles advanced included the sovereignty of States over their natural resources, common but differentiated responsibilities, solidarity, adaptive management and accountability. Some delegations also stressed that the problems of ocean space were closely interrelated and needed to be considered as a whole. The application of the principles of marine spatial planning was also underscored by some delegations. It was also suggested that an international instrument should take into account emerging best practices. The need to consider the interests of present and future generations was noted, and several delegations highlighted the responsibility of States as stewards of the global marine environment. It was also observed that, in order to be effective, any measure for the conservation and sustainable use of

marine biodiversity beyond areas of national jurisdiction would need to take into account the views of relevant stakeholders.

40. The need to respect the careful balance of interests, rights and obligations achieved in the Convention, its implementing agreements and other relevant instruments was highlighted by some delegations. The need to examine the issues from a variety of viewpoints, including environmental, economic, scientific and legal perspectives was also emphasized. Some delegations also made reference to the balance of interests in the package of issues established in resolution 66/231. In that regard, it was noted that the focus of an international instrument should not be restricted to conservation and management but should also address matters relating to the exploration and exploitation of resources for the benefit of all members of the international community.

41. The need to address the relationship between a new international instrument and existing instruments was highlighted by several delegations. In that context, many delegations noted that any new international instrument should complement, and not duplicate and undermine, existing sectoral instruments and organizations at the global and regional levels, in particular the International Seabed Authority, the International Maritime Organization (IMO), the Food and Agriculture Organization of the United Nations and regional fisheries management organizations and arrangements. The need to avoid creating a system that would allow forum shopping was highlighted. Some delegations also noted the need for a third implementing agreement under the Convention to complement, and to be consistent with, the existing implementing agreements to the Convention. With a view to ensuring complementarity and consistency and identifying gaps, several delegations suggested that a review should be undertaken of relevant existing instruments.

42. Several delegations proposed that an international instrument could provide a global framework for cooperation and coordination between existing mechanisms, while respecting their respective mandates. In that regard, some delegations emphasized that an international instrument should address the fragmented action of regional organizations. A question was raised about how coordination and consultation with existing organizations would work, in particular whether a new instrument would dictate measures to existing organizations in cases where agreement could not be reached.

43. A number of enabling elements and means of implementation were advanced. A suggestion was made that an international instrument should include provisions on the peaceful settlement of disputes, including by replicating the relevant provisions of the Convention. Several delegations also noted that institutional arrangements would be required to operationalize a new instrument. In that regard, some delegations proposed a meeting of States Parties or a Conference of the Parties, as well as subsidiary bodies. The need for reporting, a financial mechanism as well as procedures for data collection, assessment, monitoring, control and surveillance and enforcement was also highlighted by some delegations. A view was expressed that an international instrument should entail penalties for offenders, whether private or State entities. A suggestion was made that a system of notification and reporting for new and emerging uses of marine biodiversity beyond areas of national jurisdiction, including experimental activities, be developed.

44. With regard to the scope *ratione personae* of an international instrument, the need for universal participation was highlighted.

45. It was noted that the scope *ratione loci* could be either the water column or the seabed beyond the limits of national jurisdiction or both. Many delegations expressed the view that the scope *ratione loci* of an international instrument was constituted by the areas beyond national jurisdiction, namely the high seas and the Area. In that context, however, several delegations stressed that measures adopted in relation to the water column must respect the sovereign rights of the coastal State over its continental shelf.

46. The need to precisely define which resources would be part of the scope *ratione materiae* of an international instrument was highlighted, as was the need to consider the significant threats to marine biodiversity. In that regard, a view was expressed that all marine resources beyond areas of national jurisdiction should be encompassed by an international instrument.

47. Different views were expressed on whether high seas fisheries should be included in the scope. Some delegations noted that fisheries were already addressed through the Convention and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the United Nations Fish Stocks Agreement), which provided the global legal framework for measures at the regional level, including conservation measures such as area-based management. In that regard, they pointed out that the gap was rather one of implementation than a legal one, and fisheries should therefore not be included within the scope of an international instrument. They further noted that lack of political will to implement existing instruments would not be resolved by a new international instrument. Some delegations also expressed the view that many States were parties to the United Nations Fish Stocks Agreement, including most major fishing States. However, other delegations expressed the view that there was a legal or regulatory gap in relation to fisheries on the high seas, including as a result of lack of universal participation in the United Nations Fish Stocks Agreement, which left some fisheries unregulated, and in view of the limited species and geographic coverage by current regional fisheries management organizations and arrangements. It was also noted by some delegations that regional fisheries management organizations and arrangements had a sectoral approach and did not take into account broader biodiversity concerns beyond the specific stocks under their purview.

48. A question was raised as to what other human activities, beyond fishing, shipping and mining, would be regulated by a new instrument. A view was expressed that an international instrument should focus on the interrelationships in ecosystems, the understanding of the relationship between different activities and how to manage those relationships as opposed to the activities themselves.

Marine genetic resources, including questions on the sharing of benefits.

49. Many delegations considered that there was a legal gap with regard to access to marine genetic resources of areas beyond national jurisdiction and the sharing of benefits arising from their exploitation. Some delegations considered that the Convention set out the applicable principles, in particular the principle of the common heritage of mankind, but noted that provisions relating to the implementation of those principles were currently lacking, leading to a regulatory gap instead of a legal gap. In that regard, many delegations stressed the need to

address, in an international instrument, issues related to access to, and the sharing of benefits from, marine genetic resources of areas beyond national jurisdiction. It was noted that that would enable parity between developed and developing countries and would also help in eradicating poverty. Some delegations stressed the need to also address the conservation and management of those resources, including with a view to ensuring that the collection of specimens would be sustainable and not damage ecosystems. Several delegations acknowledged that a "first come, first serve" approach to resources undermined sustainability.

50. Different views continued to be expressed regarding the regime applicable to marine genetic resources of areas beyond national jurisdiction. Several delegations expressed the view that those resources were the common heritage of mankind and that regime should therefore apply. Some delegations indicated that the freedom of the high seas applied to those resources. Several other delegations stressed that, while they could not accept that marine genetic resources were the common heritage of mankind as those resources were not contained within the notion of "resources of the Area", they were nevertheless open to discussing practical measures for benefit-sharing.

51. Some delegations called for the application of the regime established in Part XI of the Convention to marine genetic resources of areas beyond national jurisdiction and for the expansion of the mandate of the International Seabed Authority. Other delegations observed that the regime established in Part XI of the Convention could provide a model or be drawn upon to address issues related to access to, and benefit-sharing from, marine genetic resources. It was noted, however, that there was a difference between seabed mining, which required a long-term presence, and the exploitation of marine genetic resources, which did not given that, in some cases, limited samples were enough to enable replication in a laboratory. In that regard, the question was raised as to how, if applicable, the principle of the common heritage of mankind would be applied to genetic material that had originated from the Area but was later synthesized in a laboratory. A view was expressed that the existing Part XI regime dealt with consumption of minerals, whereas a system with respect to marine genetic resources of areas beyond national jurisdiction would be in relation to sampling.

52. Some delegations noted that the relevant work being carried out under the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol) and under other organizations, such as the World Intellectual Property Organization (WIPO), could also be beneficial, while acknowledging that these may not be directly applicable to marine genetic resources of areas beyond national jurisdiction. In particular, such work showed a pathway that enabled access and benefit-sharing without impeding research and commercial development. A view was expressed that issues related to intellectual property should be left to WIPO. A view was also expressed that the Nagoya Protocol should be considered as the most comprehensive existing international framework to address the issue of access to, and benefit-sharing from, marine genetic resources of areas beyond national jurisdiction.

53. Some delegations stressed that a benefit-sharing regime should promote and not create disincentives to further research, investment and innovation. It was also suggested that the use of marine genetic resources for commercial purposes should

be distinguished from non-commercial purposes to ensure that scientific discovery was not impeded. It was observed that activities related to marine genetic resources were nascent and quickly evolving and that care should be taken not to create a system that could be rendered obsolete or irrelevant. Preference was expressed by a delegation for sharing data and research results, capacity-building, and scientific collaboration related to the exploration, protection and study of marine genetic resources over the development of a benefit-sharing regime. In that regard, it was observed that the greatest benefits to humanity from marine genetic resources of areas beyond national jurisdiction would stem from the worldwide availability of products and scientific knowledge and the contributions those products and information brought to advancements in public health, food affordability and science, all of which could be impeded by a benefit-sharing regime.

54. Questions were raised as to: the exact nature of the benefits to be shared; what type of activities would be subject to benefit-sharing; whom the benefits would go to; and on what basis they would be distributed. Some delegations proposed that benefits could include both monetary and non-monetary benefits. A view was expressed that the distribution of benefits should reflect the common heritage status of marine genetic resources of areas beyond national jurisdiction.

55. Suggestions were made that an international instrument should include disclosure requirements; mechanisms that encourage, rather than discourage, cooperation and compliance with access and benefit-sharing arrangements; mechanisms for data-sharing, such as databanks, sample collections and open-access gene pools; and incentives for the development of such mechanisms on a more comprehensive basis.

56. The need to ensure and promote the effective participation of developing countries in partnerships between scientific research institutions and private biotechnology companies was underscored. It was recalled that marine scientific research on the high seas and in the Area should be conducted only for peaceful purposes and must adopt appropriate scientific methodologies and procedures in accordance with the Convention. It was further observed that marine scientific research activities should not interfere with lawful activities in areas beyond national jurisdiction and must follow the rules established to protect and preserve the marine environment.

57. The need to define which marine genetic resources were under discussion was highlighted. In particular, a distinction was made by some delegations between genetic resources of the water column and those of the seabed. It was also suggested by some delegations that the relevant genetic material had to be defined in a practical manner to facilitate identification. A view was expressed that an international instrument should encompass marine genetic resources that were currently known or that might be discovered at any time in the future.

Measures such as area-based management tools, including marine protected areas

58. Several delegations highlighted the need to advance implementation of the commitments related to the establishment of marine protected areas and networks of such areas contained in the 2002 Johannesburg Plan of Implementation, Aichi Target 11 under the Convention on Biological Diversity and "The future we want", including beyond national jurisdiction. Some delegations observed that marine protected areas, if properly established, could be an effective mechanism through which

conservation and sustainable use could be achieved. In that regard, it was observed that area-based management tools had to take into account the objectives of both conservation and sustainable use. The establishment of multi-purpose marine protected areas was highlighted in that context by several delegations. The need to strike a balance between the interests of affected States and conservation and management was also highlighted. Some delegations stressed that the freedom of the high seas should not be hampered by area-based management tools.

59. Noting the absence of global criteria and a global framework for the selection and establishment of area-based management tools, including marine protected areas, beyond national jurisdiction, several delegations expressed the view that a legal gap existed and that there was a need for an overarching framework. A suggestion was made that a framework for regional cooperation similar to that in place for regional fisheries management organizations and arrangements under the United Nations Fish Stocks Agreement could be contemplated for regional seas organizations. Alternatively, it was noted that a global approach could be considered. It was stressed, however, that a global framework should not be used to legitimate the unilateral establishment of marine protected areas by regional organizations.

60. It was recalled by some delegations that a number of existing global and regional organizations, such as IMO, the International Seabed Authority and regional fisheries management organizations and arrangements, had competence to establish area-based management tools. Reference was also made to the criteria for identifying ecologically and biologically significant areas established under the Convention on Biological Diversity and to the work under way to identify such areas. In that regard, delegations asked how the progress achieved in relevant forums would be taken into account in the context of an international instrument and a possible global overarching mechanism. Several delegations highlighted that the aim of establishing a global framework should not result in the creation of a supranational organization that would impose obligations on existing competent international organizations; rather, the aim should be to provide a mechanism for enhanced cooperation and coordination among those organizations.

61. A question was raised as to why an international instrument would be necessary to establish marine protected areas beyond national jurisdiction when willing States were already capable of establishing such areas. Clarification was also sought on how an international instrument might overcome unwillingness on the part of some States to establish marine protected areas beyond national jurisdiction. A question was raised concerning the advantages of an agreement to increase coordination rather than using a body such as the General Assembly.

62. The need to take into consideration the characteristics of the ecosystem of each individual area as well as of the protected species when establishing marine protected areas was underscored. The need to develop mechanisms for the identification of priority regions to be considered for conservation measures, including, as appropriate, protected areas was underscored. It was suggested by some delegations that the results of research carried out in marine protected areas should be made publicly available. A suggestion was made to identify ways of sharing the benefits resulting from the closure of an area. A call was made to develop multilateral and inclusive monitoring and control of activities carried out in marine protected areas in order to assess whether intended goals were being

achieved. The need for a mechanism for funding and management of marine protected areas was furthermore noted by some delegations.

Environmental impact assessments

63. Several delegations recalled the obligation to carry out impact assessments under article 206 of the Convention and noted the need to operationalize that obligation beyond areas of national jurisdiction. They observed, however, that a gap existed in regard to environmental impact assessments in the light of the absence of a global framework for the conduct of such assessments beyond areas of national jurisdiction. An international instrument should therefore address such assessments, as well as strategic environmental assessments, in the view of those delegations. Some delegations also stressed the need to address cumulative impacts.

64. It was noted that the International Seabed Authority and the Conference of the Parties to Convention on Biological Diversity had developed guidance on environmental impact assessments and that that work could be drawn upon. Questions were raised regarding the effect that a global framework for environmental impact assessments beyond areas of national jurisdiction would have on the work of existing processes. In particular, it was asked whether an international instrument would set out the elements required to be considered in conducting environmental impact assessments, who would be required to follow them and whether the assessments would be provided to existing organizations for their consideration.

65. A view was expressed that sound science and the involvement of stakeholders would be crucial elements of a global mechanism for the conduct of environmental impact assessments.

Capacity-building and the transfer of technology

66. Several delegations highlighted the importance of including capacity-building and the transfer of technology in the scope of an international instrument. The need to develop structures and programmes to enable developing countries to benefit from the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction was highlighted by some delegations. Others emphasized the need to support the capacity of developing countries to take part in marine scientific research. In particular, it was suggested that funding be provided for the participation of scientists from developing countries in research. A call was made for incentives for research and development of technology that are compatible with local, national and regional realities.

67. It was suggested that an international instrument should promote and establish specific rules for the transfer of technology, including with a view to enhancing the implementation of Part XIV of the Convention. The relevance of the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology was highlighted in that regard by some delegations.

Feasibility of an international instrument under the United Nations Convention on the Law of the Sea

68. Some delegations indicated that the question of feasibility was directly linked to the issues of the scope and parameters of an international instrument and noted the lack of agreement on those issues. In that regard, they stressed the need for

further detailed discussions before any decision was made to negotiate an international instrument. They also noted that problems in implementing the existing legal regime would continue under an international instrument, particularly if there was no agreement on its scope and parameters. In that regard, it was pointed out that the needed level of participation and implementation for the instrument to be effective might not be achieved.

69. Many delegations indicated that the question of feasibility was not a legal one, but one of political will and commitment, since an international instrument was legally, technically and practically feasible. In particular, those delegations noted that two implementing agreements already existed under the Convention, which demonstrated its dynamic character and its ability to identify and respond to new challenges. They further stated that an overwhelming majority of States had the political will to decide to begin negotiations on an international instrument.

70. Some delegations provided specific views on the concept of "feasibility" and what it entailed. It was suggested that "feasibility" included the issue of necessity and, in that context, legal and implementation gaps in the current system, as well as the problem of fragmentation in current management approaches were highlighted. Another view was expressed that "feasibility" entailed the utility of addressing gaps in the existing legal framework and the practicalities of reaching agreement on an international instrument. Another delegation noted that a discussion on feasibility should focus on whether the negotiation of an international instrument was advisable and whether it would add value, given the number of existing instruments and institutional frameworks. In that regard, some delegations highlighted the need to review existing instruments and mechanisms to determine what could be viable or effective.

71. Some delegations noted difficulties in speculating on whether an international instrument would, in reality, address the problems relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction, since its effectiveness would depend on the degree to which it was accepted and implemented, as was the case for existing instruments.

72. It was suggested by some delegations that a new implementing agreement to the Convention would not be a panacea in addressing problems in the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction, but was the best option to ensure legitimacy and the development of common principles and approaches. Many delegations reiterated, in that regard, that the status quo was not acceptable. In that context, several delegations highlighted the benefits of an implementing agreement in giving effect to certain principles and provisions contained in the Convention, filling gaps and improving cooperation and coordination among and between States and competent international organizations. A new international instrument would also address, in a cross-sectoral and integrated manner, problems that were currently dealt with unilaterally, or in a sectoral manner and without coordination. Several delegations also highlighted the importance of an international instrument in order to meet relevant international commitments made at the United Nations Conference on Sustainable Development and in other forums.

73. Other delegations noted that a new implementing agreement to the Convention might not provide suitable solutions to address the identified problems and gaps and emphasized the need to consider alternatives to the negotiation of such an

instrument, including strengthening existing frameworks, enhancing the implementation of existing instruments, ensuring the adoption of integrated approaches and improving cooperation and coordination among existing bodies. Some delegations noted that an international instrument could overlap with existing instruments and mechanisms and undermine the work of current bodies, especially regarding fisheries, or create conflicts in the exercise of rights and obligations. It was suggested, in that regard, that narrowing the scope of any new international instrument could provide a way forward. It was also noted that a new instrument might necessitate lengthy negotiations over years, which would have budgetary implications.

74. Several delegations indicated that a soft law approach to addressing the identified challenges would not be sufficient and would result in a fragmented approach to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. Those delegations stressed the need for a comprehensive, universal and legally binding regime. In that context, the need to ensure that a symmetrical approach between an international instrument for the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction and existing instruments was highlighted.

Informal Co-Chairs' overview of issues raised in the meeting

75. On the basis of the discussions on the scope, parameters and feasibility of an international instrument under the Convention, the Co-Chairs introduced, on 3 April, an informal Co-Chairs' overview of issues raised during the discussions and invited comments from delegations, noting that the document was for information purposes only and was not open to negotiation. The Co-Chairs stressed that comments should therefore focus on adding any missing issues that might have been raised during the discussions but were not captured in the overview.

76. A revised informal Co-Chairs' overview incorporating the comments received was circulated on 4 April and further commented upon. The final Co-Chairs' informal overview of issues raised is included in the appendix to the present summary.

Next meeting of the Ad Hoc Open-ended Informal Working Group

77. The Co-Chairs invited delegations to share their views concerning the structure and possible outcome of the next meeting of the Working Group, scheduled to be held from 16 to 19 June 2014. Several delegations expressed their flexibility regarding the format of the meeting, while noting the need to have concrete and focused discussions. In that regard, several delegations suggested that the next meeting could focus on specific issues where consensus was lacking. It was also proposed that the next meeting could address possible strategies to overcome differences among delegations.

78. Many delegations observed that the informal Co-Chairs' overview of issues raised was a useful basis for moving forward and could serve as a guide in setting the agenda for the next meeting, in particular the headings contained therein.

79. While acknowledging the mandate established in General Assembly resolution 68/70 for the Working Group, within its mandate established by resolution 66/231 and in the light of resolution 67/78, and in order to prepare for the decision to be

taken at the sixty-ninth session of the Assembly, to make recommendations to the Assembly on the scope, parameters and feasibility of an international instrument under the Convention, several delegations expressed the view that it would be premature to start drafting recommendations at the next meeting of the Working Group. However, some delegations noted the time constraints associated with the requirement of reaching an agreement before the end of the sixty-ninth session of the General Assembly. In that regard, a suggestion was made that the Working Group, at its next meeting, could start drafting ideas that could serve as a basis for the recommendations that would be drafted at the third meeting, to be held from 20 to 23 January 2015. It was also suggested that, should a communication to the General Assembly from the next meeting of the Working Group be required, it could take the form of a factual account of the current situation.

Appendix

Informal Co-Chairs' overview of issues raised during the first round of discussions on the scope, parameters and feasibility of an international instrument under the United Nations Convention on the Law of the Sea[a]

A. Scope and parameters of an international instrument under the United Nations Convention on the Law of the Sea

Overall objective and starting point

- Address gaps (legal/regulatory) in relation to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction
- Address implementation gaps (legal/regulatory) in relation to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction
- Address fragmentation in relation to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction
- Package agreed in 2011 (General Assembly resolution 66/231, annex) constitutes the starting point for defining the scope: "address the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, and environmental impact assessments, capacity-building and the transfer of marine technology"
- Recognition of the need to improve efforts in marine biodiversity conservation
- Improved implementation of the United Nations Convention on the Law of the Sea and related instruments
- Strengthen cooperation and coordination among relevant States, organizations and sectors, on the basis of existing instruments and mechanisms

Legal framework for international instrument

- United Nations Convention on the Law of the Sea provides the legal framework upon which an international instrument governing the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction should be based
- Need to preserve the integrity and balance of rights and duties under the United Nations Convention on the Law of the Sea
- United Nations Convention on the Law of the Sea should be read as a whole without emphasizing some aspects
- Should not amend the United Nations Convention on the Law of the Sea

[a] The present overview is for information purposes and does not purport to be exhaustive.

- Need to operationalize relevant principles and obligations found in the United Nations Convention on the Law of the Sea and customary international law
- Should not imply any obligations related to existing instruments to those States that are not parties to them, while maintaining a balance with existing instruments

Relationship to other instruments

- Should not undermine, duplicate or change existing instruments (for example, United Nations Fish Stocks Agreement, Convention on Biological Diversity)
- Respect and complement the existing mandates of relevant organizations and avoid duplications
- Should not subordinate existing instruments
- Decision-making for regional and sectoral activities should remain with the relevant regional and sectoral organizations
- Support and complement application of existing instruments
- Consistency with principles of the United Nations Fish Stocks Agreement

Guiding approaches

- Package approach
- Need to strengthen cooperation and coordination and avoid fragmentation and duplication
- Global versus regional approach
- Effective integration of global, regional and sectoral approaches
- Avoid burdensome supranational governance system
- Sectoral versus integrated approach
- Legally binding versus soft law
- Address only gaps in legal regimes
- Include/exclude implementation gaps
- Complement existing instruments and processes under their purview

Guiding principles

- Balance between competing uses of the oceans and between conservation and sustainable use
- Protection and preservation of the marine environment
- Equitable utilization
- Cooperation
- Precautionary approach
- Decision-making based on best available science

- Ecosystem approach
- Integrated approach
- Adaptive management
- Public participation in decision-making processes
- Involvement of regional and sectoral stakeholders
- Open and transparent processes
- Public availability of information
- Common heritage of mankind
- Freedom of the high seas
- Principle of common but differentiated responsibilities
- Special requirements of developing countries, including landlocked States
- Duty not to transfer damage or hazards or transform one type of pollution into another
- Polluter-pays principle
- Cumulative impacts
- Flexibility and ability to address cumulative pressures
- Solidarity
- Flag State jurisdiction as a basis for enforcement on the high seas

Scope *ratione personae*

- Universal participation

Scope *ratione loci*

- Areas beyond national jurisdiction — both high seas and the Area
- Measures adopted in relation to the water column must respect the sovereign rights of the coastal State over its continental shelf

Scope *ratione materiae*

- Need to define "marine biological diversity", "marine genetic resources", "area-based management tools", "areas beyond national jurisdiction", etc.
- Include/exclude fisheries management measures
- Include/exclude fisheries-related measures
- Include/exclude measures related to other activities and sectors
- How to deal with fisheries?
- United Nations Fish Stocks Agreement and the United Nations Convention on the Law of the Sea already provide sufficient legal regime for high seas fisheries

- Lack of universality of the United Nations Fish Stocks Agreement and the Compliance Agreement of the Food and Agriculture Organization of the United Nations requires that fisheries issues be addressed in an implementing agreement
- Legal framework may be required for regional environmental organizations, similar to that provided by the United Nations Fish Stocks Agreement for regional fisheries management organizations and arrangements

Marine genetic resources, including questions on the sharing of benefits

- Legal/regulation gap
- Need to define notion of marine genetic resources
- Take into account article 2 of the Convention on Biological Diversity when addressing definition
- Marine genetic resources from the Area only
- Marine genetic resources from both the Area and the high seas
- Consistency with the terminology of the United Nations Convention on the Law of the Sea, in particular Part XIII
- Adopt a pragmatic approach
- Equitable access and benefit-sharing
- Should not create disincentives for innovation and research into and development of marine genetic resources
- Consider both sustainable use and conservation of marine genetic resources
- Promote scientific collaboration
- Effective participation of developing countries in research programmes as well as in public-private partnerships
- Facilitate access to data, including through databanks, sample collections and open access gene pools
- Distinguish between non-commercial use and commercial use of marine genetic resources
- Distinguish between consumptive and non-consumptive uses
- Define which activities are a use that requires benefit-sharing
- Establish appropriate modalities and mechanisms for non-monetary and monetary sharing of benefits
- Non-monetary benefits (for example, access to, and exchange of, samples, data, research results and information, capacity-building, transfer of technology) and monetary benefits
- Define who would be required to share benefits
- Define beneficiaries of benefits
- Address intellectual property rights

- Leave intellectual property rights to the World Intellectual Property Organization
- Establish new regime/mechanism (sui generis) or use existing ones (for example, flag state jurisdiction; Part XI and International Seabed Authority; Nagoya Protocol)
- Drawing from existing models of access and benefit-sharing
- Role of the International Seabed Authority
- Need for mechanism to encourage cooperation and compliance with access and benefit-sharing arrangements
- Common heritage of mankind versus freedom of the high seas
- Recognition of shared interest in marine genetic resources
- Would a benefit-sharing regime also require a regime to control or condition access to marine genetic resources?
- On what basis would benefits be distributed?

Area-based management tools, including marine protected areas

- Need for common understanding of "area-based management tools" and "marine protected areas" (for example, complete protection or multipurpose)
- Need to address multiple uses and cumulative impacts
- Need to achieve balance between conservation and sustainable use, taking into account the interests of specially affected States
- Must be based on the best available science and in accordance with established principles, in particular those in the United Nations Convention on the Law of the Sea
- Use of existing tools through better implementation of existing agreements
- Respect mandate of existing bodies to establish area-based management tools (for example, fisheries closures and vulnerable marine ecosystems by regional fisheries management organizations and arrangements, particularly sensitive sea areas by the International Maritime Organization, areas of particular environmental interest by the International Seabed Authority)
- Need for coordination among sectoral bodies in identifying areas requiring protection (for example, ecologically and biologically sensitive areas, vulnerable marine ecosystems) and establishing marine protected areas (regional fisheries management organizations and arrangements, Food and Agriculture Organization of the United Nations, International Maritime Organization, International Seabed Authority, regional seas bodies)
- Need global framework to ensure legitimacy of area-based management tools, including marine protected areas
- Need global framework for the identification, designation and establishment of marine protected areas in areas beyond national jurisdiction and establishment of global network of marine protected areas

- Global framework possible if fisheries-related issues excluded
- Develop criteria for the establishment of marine protected areas
- Need mechanism for monitoring compliance
- Achieve globally agreed targets (United Nations Conference on Sustainable Development, Convention on Biological Diversity: Aichi Target 11)
- Need to ensure long-term conservation on behalf of future generations

Environmental impact assessments

- Operationalize article 206 of the United Nations Convention on the Law of the Sea
- Need criteria to identify the activities that might require environmental impact assessments and threshold for environmental impact assessments
- Need standards or guidelines for conduct of environmental impact assessments, drawing on guidance developed by international organizations, including the Convention on Biological Diversity and the International Seabed Authority
- Need procedures for reporting, assessment, and monitoring of environmental impact assessments
- Assessment of cumulative impacts over time and across sectors
- Monitoring of ongoing activities
- Need for strategic environmental assessments
- Need for strategic environmental assessments to address cumulative impacts
- Environmental impact assessments and strategic environmental assessments also required for new and emerging activities
- Determine required follow-up action following environmental impact assessments

Capacity-building and transfer of technology

- Build capacity to ensure benefits from the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction
- Promote transfer of technology
- Sharing of data and research results
- Implementation of Part XIV of the United Nations Convention on the Law of the Sea
- Relevance of the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology

Enabling elements and means of implementation

- Promote and encourage marine scientific research
- Monitoring, control, and surveillance

- Reporting
- Enforcement mechanism
- Compliance mechanism
- Dispute settlement mechanism in the United Nations Convention on the Law of the Sea
- Good governance
- Institutional mechanism (for example, Conference/Meeting of the Parties)
- Financial mechanism

B. Feasibility of an international instrument under the United Nations Convention on the Law of the Sea

- Status quo is unacceptable
- Desirability

Pros

- Optimal approach, for example, to address gaps, strengthen cooperation and coordination and address shortcomings in implementation
- Need for an overarching legal and institutional framework
- Ensure multilateral/collaborative approach
- Maintain symmetry in legal status of rules relating to marine biodiversity beyond areas of national jurisdiction
- Ensure that the United Nations Convention on the Law of the Sea effectively addresses emerging issues and challenges
- United Nations Convention on the Law of the Sea lacks specific norms on marine biodiversity beyond areas of national jurisdiction

Cons

- New instrument not necessary — objectives can be achieved through existing instruments
- Possible overlap with existing instruments
- Could hamper current progress in existing organizations
- Lack of expertise and knowledge of regional characteristics
- Cost of negotiations
- Length of negotiations
- Could impede research and development
- Legal/technical feasibility
  - Legal basis found in the United Nations Convention on the Law of the Sea and relevant General Assembly resolutions (for example, resolution 2749 XXV)

- Outcome document "The future we want" (General Assembly resolution 66/288, annex)
- Already two implementing agreements to the United Nations Convention on the Law of the Sea
- Sufficient/insufficient information
- Should allow participation of non-parties to the United Nations Convention on the Law of the Sea

- Feasibility depends on political will
- Not clear how a new instrument would overcome political unwillingness under existing instruments
- Feasibility depends on agreement on what problems are and on the best way to address them
- Effective implementation of existing instruments depends on political will
- Feasibility closely linked to scope and parameters
- Feasibility contingent on definition of scope and parameters, namely, what will be included and what will not be included in an international instrument
- Form of an international instrument
  - legally binding, for example, implementing agreement to the United Nations Convention on the Law of the Sea
  - soft law, for example, General Assembly resolutions

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Implementation of and follow-up to major United Nations conferences and summits: follow-up to the International Conference on Financing for Development

Summary by the President of the Economic and Social Council of the special high-level meeting of the Council with the World Bank, the International Monetary Fund, the World Trade Organization and the United Nations Conference on Trade and Development (New York, 14 and 15 April 2014)

I. Introduction

1. The special high-level meeting of the Economic and Social Council with the World Bank, the International Monetary Fund (IMF), the World Trade Organization (WTO) and the United Nations Conference on Trade and Development (UNCTAD) was held in New York on 14 and 15 April 2014. The overall theme of the meeting was "Coherence, coordination and cooperation in the context of financing for sustainable development and the post-2015 development agenda". The meeting featured an opening address by the Deputy Secretary-General and statements on behalf of the Trade and Development Board of UNCTAD, the joint Development Committee of the World Bank and IMF, the International Monetary and Financial Committee of IMF and WTO.

2. The meeting was organized around a ministerial segment, two thematic debates and a multi-stakeholder dialogue, each of which was followed by an interactive discussion. The ministerial segment focused on the theme "World economic situation and prospects". The thematic debates were organized around the themes of "Mobilization of financial resources and their effective use for sustainable development" and "Global partnership for sustainable development in the context of the post-2015 development agenda". At the multi-stakeholder dialogue on the way

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forward, the participants discussed all three themes. The participants had before them a note by the Secretary-General (E/2014/53), in which background information was provided and possible questions for discussion under the three themes were suggested.

3. The meeting was preceded by preparatory consultations and meetings between the Bureau of the Economic and Social Council and the executive boards of the World Bank and IMF, in addition to intergovernmental representatives and senior management of WTO and UNCTAD, at which the agenda and format of the meeting were discussed and agreed upon.

4. Speakers at the ministerial segment included three ministers, two central bank governors and a European Commissioner. A significant number of executive and alternate directors of the executive boards of the World Bank and IMF attended the meeting. Also participating were high-level government officials in the areas of finance, foreign affairs and development cooperation, in addition to senior staff of organizations of the United Nations system and other international organizations, including the major institutional stakeholders. Representatives of civil society and the business sector also participated actively.

II. Opening of the special high-level meeting

5. The opening of the meeting featured statements by the President of the Economic and Social Council, Martin Sajdik (Austria), and the Deputy Secretary-General.

6. The President, in his statement, welcomed the participants to the meeting, emphasizing that it was being held at a critical moment when the United Nations was engaged in shaping the post-2015 development agenda in New York. He began by noting that, according to the United Nations flagship publication, *World Economic Situation and Prospects 2014*, world gross product was expected to grow by 3 per cent in 2014. Some European countries continued to face tough challenges, however, with unemployment rates at 27 per cent and youth unemployment at more than 50 per cent. Extremely high structural unemployment also existed in North Africa and Western Asia, in particular among young people. He stressed that the post-2015 development agenda would require a comprehensive financing framework to ensure the mobilization of all financing sources and their effective use for sustainable development. He noted that the work of the Intergovernmental Committee of Experts on Sustainable Development Financing was expected to have a decisive bearing on the intergovernmental deliberations on financing for development in support of the post-2015 development agenda. He pointed out that a comprehensive financing strategy should incorporate all forms of financing, including public and private, domestic and international. Ultimately, however, financing for development in most countries would be generated domestically. Policymakers would need to think creatively about how to provide investors with appropriate incentives to invest in sustainable development. The environment for investors must be stimulating, which would be achievable only through good governance, transparent public institutions and the rule of law. At the same time, traditional development cooperation, and official development assistance in particular, would continue to play a significant role, especially for least developed and other vulnerable countries. Lastly, he noted that the Economic and Social

Council could promote synergies between various processes and events leading towards a global development agenda beyond 2015. That new development agenda, with poverty eradication and sustainable development at its core, needed to be based on a strengthened global partnership for development that reflected the changes in the global development landscape and engaged all actors. It also needed strong monitoring and accountability mechanisms. The Development Cooperation Forum High-level Symposium on accountability and effectiveness of development cooperation, held three weeks earlier in Berlin, had underscored that there was a need for such a global umbrella framework for accountability in development cooperation.

7. In his statement, the Deputy Secretary-General said that inequalities had increased as a result of the global crisis, meaning that macroeconomic policies worldwide must focus on a strong, balanced and sustainable recovery, with particular emphasis on jobs. In that respect, strengthened multilateralism was important, in particular in the areas of global trade and macroeconomic policies. He called for efforts to accelerate progress towards the attainment of the Millennium Development Goals to be strengthened, even though the international community had begun to set the direction beyond 2015 by shaping a new development agenda. He welcomed the beginning of deliberations on the means of implementation of the post-2015 development agenda, especially on financing. He noted that the Secretary-General, in his meeting with the multilateral development banks just a week earlier, had urged further cooperation with Member States and the United Nations system to strengthen strategies for development financing. He highlighted that official development assistance remained critical, in particular for those countries most in need. Developed countries should deliver on both official development assistance and climate finance commitments. Countries also needed to strengthen and develop long-term, stable and inclusive national financial systems. Equitably expanding tax revenue in developing countries would not only increase the domestic resources available for development, but also promote accountability and public oversight. Moreover, the world could not continue to ignore illicit financial flows that deprived countries of much-needed revenue and reinforced corruption and crime. That issue had to be tackled in countries of origin and in countries of destination. He concluded that the task ahead had two facets: ensuring that hard-won development gains were preserved and putting the world on a sustainable development path that was underpinned by a new global partnership for development based on equity, cooperation and, above all, accountability. The role of the Economic and Social Council and the organizations present would be crucial in those endeavours and the upcoming third international conference on financing for development would afford a unique opportunity to foster sustainable development.

III. Ministerial segment on theme 1: "World economic situation and prospects"

8. The morning session featured a high-level panel on the theme of "World economic situation and prospects", followed by an interactive discussion. The panel began with a presentation by the Chief of the World Economic Studies Division of IMF, Thomas Helbling, and was followed by interventions by the Ms. Commissioner for International Cooperation, Humanitarian Aid and Crisis Response of the European Union, Kristalina Georgieva; the Minister of Trade and

Development Cooperation of Denmark, Mogens Jensen; the Permanent Representative of the Plurinational State of Bolivia to the United Nations (speaking on behalf of the Group of 77 and China), Sacha Sergio Llorentty Soliz; the Governor of the Central Bank of Austria, Ewald Nowotny; the Vice-Minister of Finance of Libya, Moraja Buhlaiga; the Deputy Minister of Finance of Turkmenistan, Muhammetguly Muhammedov; the Governor of the Central Bank of the Sudan, Abdelrahman Hassan Badelrahman Hashim; and the President of the Eurasian Economic Club of Scientists, Murat Karimsakov.

9. Mr. Helbling presented the highlights of the most recent IMF *World Economic Outlook* update. He noted that global growth had strengthened in the second half of 2013 and was expected to accelerate further in 2014 and 2015. Emerging markets and developing economies were expected to strengthen only modestly, however, with increased risks stemming from a changing external environment. Looking ahead, he predicted that fiscal policy in advanced economies would be less tight in 2014 and 2015, except in Japan and that monetary accommodation would continue, with interest rates in the United States of America expected to begin rising in 2015 Global growth was expected to strengthen to 3.6 per cent in 2014 and 3.9 per cent in 2015, although those rates remained well below potential. In the case of emerging markets, exports were expected to be supported by stronger demand from advanced economies, although that would be offset by tighter financing conditions. Growth in emerging markets was expected to slow in general, with growth in China expected to moderate. The fundamentals in most countries remained reasonable, however, with high foreign exchange reserves, low inflation and a still-positive aggregate current account balance. Many emerging-market currencies had depreciated, helping adjustment and aggregate capital inflows still to remain positive and likely to pick up further. Uncertainties remained, however, owing to the crisis in Ukraine, which could have a negative impact on the world economy. In conclusion, he recommended that policies for emerging and developing countries should include exchange rate flexibility to better absorb shocks, well-anchored inflation rates, a fiscal policy that was geared to medium-term objectives pertaining to public and external debt and structural reforms to increase medium-term growth.

10. Ms. Georgieva warned that the risks arising from natural disasters and conflicts were not sufficiently taken into consideration in the assessment of the world economic situation. Natural disaster costs, for example, had quadrupled in the past 25 years, with the steep upward trend bound to continue in coming decades. Disasters had both fiscal and supply chain consequences. Conflicts, such as in the Syrian Arab Republic or the Central African Republic, had additional negative macroeconomic and microeconomic impacts and were tearing apart the social fabric of countries. To tackle those issues, the European Union was assessing its own risks and had put in place investment policies to address them within Europe. Furthermore, in its development policies and humanitarian aid, the Union had made fragility a priority, focusing on countries at risk of disasters and conflict.

11. Mr. Jensen stressed that growth was key to poverty eradication, but that it needed to be inclusive. Most importantly, that entailed job creation. Governments and the private sector had complementary roles in driving forward those goals. He also highlighted the dramatic changes in the landscape of development finance, such as much greater expectations for the role of private sector financing in development. Given the role of private financing, it was critical for labour rights to be upheld and for other challenges, such as illicit flows and aggressive tax planning, to be taken

on. At the same time, official development assistance would continue to play a significant role, in particular in the least developed countries.

12. Mr. Llorentty Soliz noted that the meeting was significant because it was being held in the context of the follow-up process to the United Nations Conference on Sustainable Development, the preparatory process for the third international conference on financing for development and the discussions on a post-2015 development agenda. In that context, he suggested that the Economic and Social Council should be strengthened to enable it to play a coordinating role on development issues. He stressed that the international monetary and financial system should be reformed in order to render it more effective, transparent and legitimate. The international financial architecture would need to give more voice to developing countries and the financial system would need to be duly regulated. He called for a far-reaching reform of the Bretton Woods institutions, especially with a view to increasing the representation of developing countries in their decision-making processes. Lastly, he stressed that the spirit of the Monterrey Consensus of the International Conference on Financing for Development should be maintained, while common but differentiated responsibilities should be the guiding principle for a new global partnership for development. Effective means of implementation would be at the heart of a renewed and strengthened global partnership. He urged developed countries to meet their official development assistance commitments, in particular to achieving the target of 0.7 per cent of gross national income to developing countries by 2015, in addition to the target of 0.15 to 0.20 per cent of gross national income to the least developed countries. He added that the United Nations should remain at the centre of efforts to coordinate a follow-up process for financing for development.

13. Mr. Nowotny noted that advanced economies were back on the recovery track, while emerging markets were under pressure. Eastern Europe and the Russian Federation had witnessed considerable capital outflows as a result of the situation in Ukraine. In addition to long-term structural factors, cyclical factors were at play, including through the tapering of monetary policies in the United States, which was affecting global financial markets. In particular, tapering had a substantial impact on emerging markets. Problems in those markets were rooted in the period of easy finance after 2008, which had taken advantage of capital flowing out of developed countries and led to credit booms and asset price increases. That had resulted in diminished impetus for reform and deteriorations in current accounts. Emerging markets would have to be better prepared for the normalization of policies in the advanced economies. Moreover, to maintain investor confidence, it was of utmost importance to avoid further complications such as the escalation of geopolitical tension.

14. Mr. Buhlaiga noted that the meeting would contribute to reaching agreement on a post-2015 development agenda. He asserted that the United Nations system must play a critical role in coordinating international efforts to mobilize resources for sustainable development finance and that common but differentiated responsibilities must remain the guiding principle for development cooperation. The global financial and economic crisis had revealed a malfunction in global economic governance, he said, stressing that there was a need to strengthen the role of the United Nations in the international economic and financial realm. Stronger efforts would be needed to create a financial system that would seek to channel investment towards sustainable development. He stated that official development assistance

commitments should be fulfilled and debt restructuring facilitated, emphasizing that the Monterrey Consensus and the Doha Declaration on Financing for Development represented a comprehensive framework that should guide such efforts in the future.

15. Mr. Muhammedov spoke of his country's policies aimed at attaining sustainable development. Turkmenistan had adopted a medium-term development plan in line with the Millennium Development Goals with the aim of changing the country into a modern economy in harmony with its traditions and values. That sustainable development model, supported by pragmatic State regulations, was yielding good results. He wished other countries similar success.

16. Mr. Hashim welcomed the spirit of the financing for development agenda. He deplored the lack of achievement towards attaining the Millennium Development Goals in some African countries, including his own. He noted that the obstacles included the high debt burden, which had persisted in some countries, the Heavily Indebted Poor Countries Initiative notwithstanding. More debt relief was therefore needed for achieving the Goals in the Sudan and some other countries.

17. Mr. Karimsakov provided information about his association, which had been established in 2008 in Astana to pool the efforts of researchers in order to find ways to overcome the financial crisis. At the World Anti-Crisis Conference, held in Astanain 2013, participants had drafted a world anti-crisis plan. The Second World Anti-Crisis Conference was to be held in May 2014 in Astana and would support the push to achieve the Millennium Development Goals by 2015 and to define a new post-2015 development agenda. He proposed that the Economic and Social Council should be the main coordinating body for implementing the Anti-Crisis Plan and invited all participants to the Second World Anti-Crisis Conference.

18. In the ensuing discussion, participants affirmed that the Monterrey Consensus and the Doha Declaration provided a strong foundation for a financing strategy for sustainable development. They asserted that stronger global cooperation was needed to avert major risks and promote sustainable development. There was a need for adequate policy space and an enabling global environment that would include not only development-oriented policies in the areas of trade, finance and debt, but also better representation of developing countries and emerging economies in the governance of the international financial system.

19. Some participants emphasized that the underperformance of the world economy partly stemmed from excessive austerity and that problems relating to unemployment, including youth unemployment, and inequality needed to be resolved.

20. While recognizing that all sources of financing would need to be tapped to achieve sustainable development, participants also stressed that official development assistance would remain a key component of international development finance. There were calls for donor countries to meet their official development assistance commitments and for better alignment of aid flows with country priorities. Participants noted that the private sector had abundant financial resources, yet public and private finance were distinct and should be seen as complements, not substitutes.

21. Participants, in particular those from the Group of 77, also said that the means of implementation for the post-2015 development agenda should consist of a mix of

financial resources, technology transfer and capacity-building and be delivered in accordance with the principle of common but differentiated responsibilities.

22. There was also recognition that climate change was an immediate challenge and that the Green Climate Fund would need to be capitalized urgently. In that context, several participants noted that the financing for development track from the Monterrey Consensus and the Doha Declaration and the climate change financing track were separate. Given that participants in the United Nations Conference on Sustainable Development had called for a comprehensive development agenda, the question was raised as to whether and how those streams should be integrated.

IV. Statements by institutional stakeholders

23. The morning session concluded with statements by the President of the Trade and Development Board of UNCTAD, Triyono Wibowo (Indonesia); the Vice-President and Corporate Secretary of the World Bank Group and Acting Executive Secretary of the joint Development Committee of IMF and the World Bank, Jorge Familiar Calderón; the Deputy Secretary of IMF and Acting Secretary of the International Monetary and Financial Committee, Calvin McDonald; and the Deputy Director General of the World Trade Organization, Yi Xiaozhun.

24. Mr. Wibowo reported that the UNCTAD forecast for the world economy foresaw below-potential global growth, making it slightly more pessimistic than the IMF forecast. He suggested that proactive and demand-driven policies could lead to better and more stable growth that would benefit every country. In that context, UNCTAD believed that income-protecting policies merited special consideration. In addition, developing countries should focus on investment and diversification. He pointed out that, with regard to the mobilization of financial resources, achieving existing and new development goals would require significant investment, well above current levels. In that regard, private finance would need to be increased. Indeed, foreign direct investment was already six times higher than official development assistance. The right policy framework and conditions needed to be created to facilitate additional investment at both the national and global levels. Lastly, he noted that the role of the Economic and Social Council in developing a post-2015 agenda had to be strengthened, along with the voice of developing countries in discussions in the international arena, and that more reforms were needed in the areas of debt and tax cooperation.

25. Mr. Familiar Calderón reported on recent discussions in the Development Committee on the global economy and the progress in implementing the new strategy of the World Bank. The Committee had recognized that fostering strong and inclusive growth would require policy adjustments and agreed upon the importance of social inclusion, capacity-building and integration of environmental concerns in the context of sustainable development and poverty eradication. It had also discussed and strongly supported the Bank's reforms and its new strategy to achieve its goals — ending poverty and achieving shared prosperity. He noted that, among other measures, the Bank created global practices, so that knowledge gains in one country would be available globally.

26. Mr. McDonald noted that the continuing recovery of the global economy remained uneven. IMF would continue to analyse the implications of unwinding monetary support in developed countries and would assist countries in dealing with

that issue. The full range of financial facilities, including precautionary facilities, would remain available. On the fiscal front, IMF would continue to work on policy advice and would advance reform options on sovereign debt restructuring, in addition to contributing to the global debate on tax issues. As to financial sector policies, it would continue to assess the impact of regulatory fragmentation, advance the discussion on cross-border resolution regimes, the impact of shadow banking and macrofinancial risks, in addition to filling data gaps. With regard to issues of policy coherence and coordination, IMF would continue to monitor the impact of country policies through its spill over reports and integrated surveillance mechanism. Lastly, reiterating that IMF quota reforms remained a priority, he urged the United States to ratify them at the earliest opportunity.

27. Mr. Yi stated that the discussions around the sustainable development goals had to date lacked a specific focus on trade. Nevertheless, trade had a critical role to play in achieving the Millennium Development Goals and in economic growth more generally. It could lead to employment creation, including of better and more decent jobs, given that employment in export-oriented industries typically paid higher wages than in other sectors. Trade liberalization was critical for some of the fastest-growing economies. It needed, however, to be supported by other reforms, such as improved property rights and supply capacity, to yield results. For that reason, he suggested that the role of trade must not be downplayed in the post-2015 development agenda. Instead, it should be an integral part of the sustainable development goals, as a development policy instrument and as an enabler of socioeconomic development. The Bali package and the Doha Round work programme could also support the delivery of sustainable development goals, for example in the area of financing.

V. Thematic debate on theme 2: "Mobilization of financial resources and their effective use for sustainable development"

28. The first thematic debate featured presentations by the Co-Chairs of the Intergovernmental Committee of Experts on Sustainable Development Financing, Pertti Majanen (Finland) and Mansur Muhtar (Nigeria), and the Special Envoy on the Millennium Development Goals and Financial Development of the World Bank Group, Mahmoud Mohieldin.

29. The Co-Chairs of the Intergovernmental Committee of Experts on Sustainable Development Financing referred to the work of the Committee, which had been established in follow-up to the United Nations Conference on Sustainable Development and was currently discussing options for an effective sustainable development financing strategy. Mr. Majanen began by emphasizing the foundations of the Committee's work, which were the Millennium Declaration, the Monterrey Consensus and the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want". He then referred to the state of the work of the Committee, pointing out that the Co-Chairs had been collaborating with the Co-Chairs of the Open Working Group on Sustainable Development Goals to ensure that the reports of the two processes, which would both be submitted to the General Assembly in September 2014, were coordinated. The Committee had decided to organize its work in three clusters: assessing financing needs, mapping of current flows and emerging trends and the impact of

domestic and international environments; mobilization of resources and their effective use; and institutional arrangements, policy coherence, synergies and go.ernance. All three clusters would submit reports on their findings to the Co-Chairs by 25 April 2014 There were already areas where broad agreement among the Committee was evident. For example, the preliminary findings of the first cluster suggested that global savings, estimated to be some $18 trillion annually, were sufficient to meet the very large estimated sustainable development needs. The challenge thus lay in promoting a financial system that provided incentives to use a percentage of public and private savings to meet those needs. The Committee had benefited greatly from the input of outside experts and from its interaction with other stakeholders, including civil society and the private sector. In that regard, he referred to the recent outreach event organized by the Committee in Helsinki on co-creating new partnerships on financing for development. The participants at the event had included senior representatives of the private sector, civil society, Governments and other experts on partnerships. He cited some of the conclusions from the meeting, including the need to turn principles for investing, such as human rights, environment, anti-corruption and responsible investment, into specific action. That paradigm shift could be facilitated by, among other things, making sustainable development an essential element in company strategies, making better use of synergies between public and private financing and creating innovative partnerships leading to development-enhancing investments that were fair to taxpayers. A summary of the discussions had been prepared and would be available on the Committee's website.

30. Mr. Muhtar raised the issue of sources of financing for the post-2015 development agenda. There had been agreement in the Committee that, as specified in the Monterrey Consensus, countries were responsible for their own development and that the international environment should play a supportive role. It was therefore necessary to strike the correct balance between domestic resource mobilization and country ownership, on the one hand, and international obligations and commitments, on the other. Domestic resource mobilization was a critical element of public financing, but had to be considered according to each country's capacity. Sustainable growth was a precondition for raising those resources, while at the same time there was a need to combat illicit flows and facilitate international tax cooperation. While official development assistance would remain crucial for the eradication of extreme poverty, especially in the poorest countries, it alone would not suffice to meet sustainable development needs, even if all donor countries met their commitments. Private investment would have to play an essential role in meeting those needs. To date, however, such investment had been insufficient and not provided incentives for long-term investment in sustainable development activities. Public policies would be needed to set the right incentives to attract private investment to sustainable development, together with an enabling national and international environment. He referred to the potential role of public finance in leveraging private flows into key development sectors. At the same time, there was a need for governance reforms at the global level, promoting a fair and rules-based multilateral trading system and a stable global financial system. He also highlighted the importance of efforts to mobilize additional and innovative sources of finance for sustainable development, including through the implementation of a financial transactions tax and a carbon tax, in addition to remittances. More work was needed in those areas, including on the scalability and replicability of some initiatives and on measurement and additionality issues.

31. Mr. Mohieldin presented an overall framework on financing for development beyond 2015, under which sound policies and institutions would make more effective use of existing resources and leverage additional financing. Its pillars included enhancing domestic resource mobilization, having better and smarter aid and drawing on the domestic and external private and financial sectors. Innovative financing and innovation were at the core of the framework, with the goal of leveraging additional resources and improving efficiencies. To strengthen domestic resource mobilization, he recommended improving taxation capacity, enhancing collection of natural resource revenue, curbing illicit financial flows and increasing expenditure efficiency. He stated that the private sector should be viewed as a partner in development, through its role in job creation and income growth, through measures to use and leverage private finance into key development-enhancing sectors and through the mobilizing of philanthropy and encouraging of corporate social responsibility. He referred to the challenges of mobilizing finance at the country level, pointing out that countries needed to determine their policy and financing strategies to implement post-2015 development goals, given the scarce financial resources and levels of access to private finance. Countries also faced the challenge of mobilizing private long-term finance for infrastructure. Key measures included putting in place an adequate legal and regulatory framework, ensuring a pipeline of high-quality projects, mainstreaming the use of risk-sharing mechanisms with support from multilateral financial institutions, having appropriate financial regulation and developing domestic capital markets. Attracting the large pool of untapped resources from institutional investors could scale up development finance. He also emphasized the importance of well-structured initiatives with a diverse range of partners to help Governments to raise the large sums of capital required to meet infrastructure needs. Lastly, he called for continuing global dialogue at all levels and among all actors on new paths for development finance.

32. In the ensuing discussion, participants stressed that there was a need to attract private investment into sustainable development sectors. The importance of having effective insurance coverage for foreign direct investors was mentioned, as was the need to have effective models for public-private partnerships. Curbing crime and corruption were also referred to as important conditions for attracting foreign direct investment and fostering the development of the local private sector. In that regard, one participant stated that the rule of law and efforts to combat crime should be incorporated as separate goals for the post-2015 development agenda and the sustainable development goals. At the same time, the private sector would also benefit from a coherent and predictable policy environment.

33. While noting that countries should bear primary responsibility for their own development, participants highlighted the continuing importance of official development assistance for poverty reduction. Some stressed that that assistance would not be sufficient to meet projected sustainable development needs even if donors were to meet their aid commitments. The importance of South-South cooperation for sustainable development, on the understanding that it should be voluntary and not be viewed as a substitute for official development assistance from developed countries, was also stated.

34. Some participants emphasized the importance of implementing reforms of the governance structures of the international financial institutions. In particular, they stressed that the 2010 IMF quota reforms should be implemented to ensure the credibility of IMF when it advised other countries on policy reforms. Participants

also mentioned a need to enhance the funding of international financial institutions and regional development banks.

35. There were calls for a fair and rules-based multilateral trading system and for a stable global financial system. It was stated that those and other systemic issues should be incorporated into the post-2015 agenda. There were calls for greater international cooperation on tax matters so as to curb tax evasion and illicit financial flows.

36. It was emphasized that financing for sustainable development should build on the Monterrey Consensus and the Doha Declaration. The work of the Intergovernmental Committee of Experts on Sustainable Development Financing would provide important input to the preparatory process for the third international conference on financing for development.

VI. Thematic debate on theme 3: "Global partnership for sustainable development in the context of the post-2015 development agenda"

37. The second thematic debate featured presentations by the co-facilitator of the preparations for the third international conference on financing for development, George Wilfred Talbot (Guyana), and the Deputy Director of the Development Cooperation Directorate of the Organization for Economic Cooperation and Development (OECD), Serge Tomasi.

38. Mr. Talbot began by outlining the experience of the current global partnership for development and its role in promoting the implementation of the Millennium Development Goals. The concept of a global partnership for development as a set of commitments on promoting development had a long history at the United Nations. The global partnership for development called for in Goal 8, which was underpinned by the Monterrey Consensus, had galvanized international momentum in mobilizing a wide range of stakeholders to help to achieve the Goals. Although it had made a significant contribution, the global partnership remained an item of unfinished business. Its potential in advancing the other Goals had been constrained by its own shortcomings. For example, momentum in reaching the target of allocating 0.7 per cent of gross national income to development aid had stalled in recent years. In addition, the global trading system remained complex and fragmented and the world continued to lack a comprehensive framework for resolving debt problems. In the same vein, there remained a need for greater access to affordable essential medicines to accelerate the progress being made on the achievement of the health-related Goals. Greater technology transfer and access to technologies, in particular for climate change mitigation and adaptation and disaster risk reduction and resilience, were also required. Looking ahead, he stressed that a new global partnership for development would need to tackle new challenges and integrate the economic, social and environmental dimensions of sustainable development. It would also require a strengthened and more robust monitoring mechanism in order to track progress in the implementation and fulfilment of commitments by Member States.

39. He shared his views on the potential contribution of the forthcoming third international conference on financing for development to the post-2015

development agenda, stating that a broad and comprehensive financing framework for sustainable development should build on the Monterrey Consensus and the Doha Declaration and go further in taking on new challenges and emerging issues. In that respect, the framework must also take into account the important work of the Intergovernmental Committee of Experts on Sustainable Development Financing. He emphasized the potential of the third conference to provide a firm foundation for a global partnership for sustainable development in the context of the post-2015 development agenda.

40. Mr. Tomasi spoke on the work being undertaken in the OECD Development Assistance Committee on new ways to measure development finance. He stressed that the definition of official development assistance had hardly changed since 1969, apart from being clarified and supplemented by other concepts such as country programmable aid or other official flows. At the same time, the financing for development landscape had radically altered. For example, the number of developing countries eligible to receive official development assistance had fallen sharply and some developing countries had emerged as new economic Powers, themselves providing increasing amounts of foreign aid. At the same time, sources of finance beyond official development assistance were becoming more prominent, especially foreign direct investment and remittances. In the 1970s, official development assistance had comprised more than half of all external funding of developing countries, while it currently represented only 18 per cent. That gap between rapid economic development and the relative stability of the official development assistance definition had led to growing criticism of the indicator. He introduced some of the main considerations in the continuing discussions in the Committee on the matter. One proposal envisaged a two-circle approach from an aid provider's perspective. At the core would be a modernized official development assistance measure focusing on a grant equivalent. That modernized measure would be part of a broader measure encompassing total official support for development, which could include all public development financing instruments used by countries, regardless of their degree of concessionality. It would therefore also incorporate market mechanisms such as guarantees, private equity from development banks and debt cancellations. An issue under discussion was whether that broader measure should also include private finance mobilized by official action.

41. In the ensuing discussion, several participants stressed that official development assistance was a significant source of finance for many developing countries. It was also pointed out that official development assistance should not be used solely for leveraging private capital, which in any case needed to be undertaken in a considered and balanced manner. It was also reiterated, however, that, while important, official development assistance alone would not suffice to finance sustainable development.

42. The importance of developing innovative public-private partnerships was emphasized. Participants stressed that there was a need to build capacity to enable developing countries to develop a pipeline of bankable projects. In that regard, a need to develop effective processes at the country level to better identify key projects was also mentioned. It was pointed out that the global partnership for development was a work in progress and should be strengthened. That there was a need to better incorporate the private sector and civil society into the global partnership was emphasized. With regard to the private sector, however, it was

asserted that companies should take note of human rights and poverty reduction objectives when undertaking operations. In addition, there should be an appropriate regulatory framework ensuring that activities did not adversely affect sustainable development.

43. Participants noted the absence of a suitable measure of economic vulnerability and fragility. Gross domestic product per capita did not take into account vulnerability and fragility, meaning that there was a need for a broader measure incorporating conflict, external economic challenges and natural disasters.

44. That there was a need for greater coherence in the international policymaking arena was highlighted. It was stated that multilateral organizations should work cooperatively to achieve the goal of sustainable development.

VII. Multi-stakeholder dialogue on the way forward

45. The second morning featured a multi-stakeholder dialogue on the way forward, during which the discussion of the previous day on the three themes of the meeting continued. The dialogue included presentations by the Chair of the Committee for Development Policy and Director of Economic and Political Development Concentration of the School of International and Public Affairs of Columbia University, José Antonio Ocampo Gaviria; the founder and Chief Executive Officer of Cornerstone Capital, Erika Karp; and the Director of the Rethinking Bretton Woods Project of the Center of Concern, Aldo Caliari. It was followed by an interactive discussion.

46. Mr. Ocampo presented the conclusions of a recent meeting of the Committee for Development Policy. The Committee had made two major policy recommendations: greater international cooperation on tax matters and the need for a debt workout mechanism. It had also emphasized that international tax cooperation was necessary to mobilize more public resources for sustainable development. Asymmetry between the mobility of capital and labour had generated an erosion of tax bases. Over time, the shifting of taxation towards labour incomes had generated regressive tax systems, a tendency that could be reversed only through international cooperation. One specific proposal was to upgrade the Committee of Experts on International Cooperation in Tax Matters to an intergovernmental organ. On external debt, he pointed out that overindebtedness affected developing and developed countries alike. Existing mechanisms did not work as well as they should. Collective action clauses faced serious aggregation problems because they were not universally applied, while voluntary negotiations faced major challenges through potential litigation. In that respect, he referred to the proposal in the Monterrey Consensus to move towards a sovereign debt restructuring mechanism.

47. He then highlighted the principles proposed by the Committee for rethinking the global economic governance system: common but differentiated responsibilities and respective capabilities; subsidiarity; inclusiveness, transparency and accountability; and coherence. He called for more active use of IMF special drawing rights as an international monetary system and recommended the development of a multilayered architecture for international monetary cooperation. He emphasized the importance of regional and intraregional development banks in providing a set of powerful monetary arrangements that would support IMF. He also asserted that the

use of country groupings in the international development discourse frequently had weak analytical foundations, such as the notion of the group of fragile States. Overall, the least developed countries category, which incorporated three criteria (per capita gross domestic product at market prices, human asset and vulnerability indices), was the best, in terms of a sound analytical foundation and general legitimacy, given that it had been adopted by the General Assembly. He underscored the importance of the Development Cooperation Forum as the premier forum that could help to create synergies between development cooperation processes and explore the increasing role of multi-stakeholder partnerships. More effective accountability in development cooperation remained a major issue and better mechanisms were important in following up on the post-215 development agenda. The Forum should also promote further work on the links between development cooperation and the provision of global public goods.

48. Ms. Karp said that, from the perspective of the private sector, capitalism could deliver economic growth and sustainable development if capital markets were appropriately regulated to serve the needs of the real economy. Leveraging private sector resources was critically important for ensuring adequate financing for the implementation of the post-2015 development agenda and achieving sustainable development, given the enormous need to tackle emerging issues such as climate change, which outpaced public sector resources. Currently, the largest 1,000 companies accounted for 7.8 per cent of revenue and 8 per cent of jobs in OECD countries and possessed a large pool of funds invested in capital markets. She drew attention to technological innovations such as big data and social media that were transforming the way in which business was done. In particular, the heightened level of corporate transparency was offering new opportunities to influence business activities for the good of society. The most responsible companies were interested in contributing to socially desirable goals by investing in projects with high social returns. The key to unlocking their potential lay in finding innovative ways to incentivize them. The world was also witnessing an intergenerational transfer of an enormous amount of wealth, which was made evident by the pool of some $50 trillion in financial assets. The challenge was to find the right ways to direct the available funding to the companies whose objectives were aligned with sustainable development. That included most of the largest companies that valued corporate excellence and corporate sustainability, which presupposed, in turn, inclusiveness, transparency and collaboration. Generally speaking, there was no inherent conflict between profit and sustainable development in the long term.

49. Mr. Caliari discussed the potential for institutional investors, including pension, mutual, private equity and sovereign wealth funds, to provide financing for sustainable development. He questioned the view that global savings could simply be unlocked to underwrite long-term financing needs. For example, infrastructure had been considered to be an asset class that could generate high risk-adjusted returns, on the one hand, and helped to ensure returns by diversifying the portfolios of asset managers, on the other. Evidence for both those effects was, however, highly contested among researchers, as was the soundness of attributing uniform properties to an asset class covering a heterogeneity of sectors and instruments that could be considered infrastructure investments. He emphasized that infrastructure investment came with considerable risks that could end up being transferred to taxpayers and users of infrastructure, especially in developing countries. One channel through which that occurred would be through public-private partnerships,

which were the main mechanism for channelling private investment into infrastructure. He referred to studies that showed that a major reason why public-private partnerships were chosen as an investment modality was because they helped to conceal the budgetary and fiscal impacts of infrastructure projects. Poor governance and institutional environments, including a lack of transparency, allowed Governments and investors to avoid scrutiny, increasing the chance that risks would materialize. Indeed, public-private partnership contracts were rarely, if ever, disclosed to the public. In addition, some inherent characteristics of public-private partnerships introduced a layer of complexity that defeated efforts to advance transparency and accountability, including the fact that such partnerships were generally long-term contracts and that government risks were off budget (contingent liabilities).

50. He said that greater public indebtedness was another channel through which risk linked to infrastructure investment would be transferred to the public. The parameters that defined debt sustainability in low-income countries had been gradually relaxed, allowing those countries to contract growing levels of public debt, in particular for infrastructure. It was important to recognize that low-income countries faced an impossible choice between underinvesting in infrastructure or mobilizing the necessary funds in any way possible. Their increased levels of borrowing for infrastructure could, however, represent the seeds of a new debt crisis. The risks generated by the pursuit of debt-financed investment were, as happened with public-private partnerships, magnified in poor governance environments. In short, the reliance on institutional investments to finance infrastructure could be advised only for countries in which there were highly developed legal and institutional frameworks and systems of checks and balances that included high levels of transparency and public engagement.

51. In the ensuing discussion, participants underscored the importance of mobilizing all sources of financing for sustainable development to support the post-2015 development agenda. The upcoming third international conference on financing for development was highlighted as a unique opportunity to engage all stakeholders for that objective. In that context, participants called upon one another to avoid duplication of efforts among intergovernmental processes and to support a robust and open preparatory process involving all relevant stakeholders.

52. The view was expressed that the success of the post-2015 development agenda would largely depend on ensuring increased official development assistance for vulnerable countries to assist them in reducing poverty and tackling new challenges, such as climate change. Such an agenda should also include commitments relating to trade, foreign direct investment and technology transfer to help developing countries to eradicate poverty.

53. Moreover, participants underscored the need for an international sovereign debt resolution mechanism. It was suggested that such a mechanism could be negotiated within IMF, but would function independently, similar to an investment dispute resolution system. The mechanism would allow time-limited voluntary negotiations, followed by mandatory arbitration. Some participants stressed the importance of further debt relief beyond the Heavily Indebted Poor Countries Initiative, especially for countries suffering the consequences of conflicts and natural disasters or those lagging behind in efforts to achieve the Millennium Development Goals. They emphasized the importance of honouring existing official

development assistance commitments, which continued to account for 70 per cent of the external financing for least developed countries.

54. Some participants called for more effective monitoring of official development assistance commitments and expressed opposition to any downward revision. Several highlighted the importance of not politicizing aid, emphasizing that unilateral sanctions would impede progress towards achieving the Millennium Development Goals.

55. Some participants from the business sector and civil society expressed concern about the lack of social protection, human rights abuses and wasteful military expenditure in many countries. They criticized government bail-outs of financial institutions that were deemed too big to fail. Some participants emphasized that, while partnerships between the private and public sectors were highly desirable, their success depended on good governance and proper and effective institutional arrangements.

56. Participants highlighted the need to improve global governance structures to prevent tax evasion and transfer mispricing and to ensure that international trade agreements did not prevent the regulation of cross-border capital flows for prudential reasons. One put forward the idea of introducing a global minimal floor for corporate tax rates.

VIII. Concluding remarks by the President of the Economic and Social Council

57. The President of the Economic and Social Council expressed thanks to all participants for the positive spirit of engagement and the high quality of their contributions. He noted that the deliberations on the state and prospects of the world economy had highlighted that there was a need for greater cooperation and coherence in macroeconomic policies. Moreover, the deliberations had highlighted that the mobilization of resources for sustainable development would depend on strengthened international cooperation anchored in a coherent financing framework for sustainable development. He echoed the calls made for a renewed and strengthened global partnership for sustainable development to mobilize a wide range of stakeholders in support of the post-2015 agenda. He expressed the view that, in the light of the recently adopted reforms of the Council, a strengthened Council would be able to play an effective coordinating role and meaningfully support the implementation of the post-2015 development agenda.

58. He summarized the main features of the discussions, noting, among other things:

(a) That the need for a stable and prosperous global economy for achieving sustainable development had been highlighted. Discussions in the ministerial segment on the world economic situation and prospects had confirmed that a recovery from the global economic and financial crisis was under way, albeit uneven between countries. In particular, it had been noted that, while advanced economies were back on the recovery track, emerging markets were under significant pressure. In addition to long-term structural factors, cyclical factors were at play, including through possible adaptions to monetary policies in the United States;

(b) That participants had identified the period of easy finance after 2008 as being at the root of problems in emerging markets. Expansionary policies had taken advantage of capital outflows of developed countries, leading to credit booms and asset price increases. At the same time, the impetus for reform had diminished and current accounts had deteriorated, making those economies vulnerable to capital outflows;

(c) That it had been noted that, to address those concerns, strengthened multilateralism would be needed. The Economic and Social Council had been seen by many as a platform to provide such improved cooperation;

(d) That participants had also cautioned that, improved global growth notwithstanding, the global employment situation remained bleak and inequalities continued to grow, although there were also some signs of improvement;

(e) That, during the thematic debate on mobilization of financial resources and their effective use for sustainable development, the importance of the work of the Intergovernmental Committee of Experts on Sustainable Development Financing had been highlighted;

(f) That several participants had emphasized the importance of building on the Monterrey Consensus and the Doha Declaration as a conceptual basis for an updated financing framework for the post-2015 agenda. Many had emphasized the importance of employing the full range of financing sources and non-financial means available, including private and public, domestic and international, while taking into consideration their different characteristics, rationales and specific strengths;

(g) That participants had agreed that official development assistance would remain important, in particular for the least developed countries. All had welcomed the recent rise in official development assistance, which had followed a two-year-long downward trend. It had been stressed, however, that more progress would be needed to meet the 0.7 per cent target;

(h) That some participants had pointed to the uncertainties that could emanate from the current tensions between Ukraine and the Russian Federation, with considerable capital outflows — also from the latter — and currency depreciations in recent weeks;

(i) That there had been calls for governance reforms at the global level, for a fair and rules-based multilateral trading system and for a stable global financial system. There had also been calls for greater international cooperation on tax matters to curb tax evasion and illicit financial flows;

(j) That many participants had also highlighted the great potential of private sector financing to contribute to sustainable development. Public policies would, however, need to set the right incentives to support private sector investment in sustainable development. In that regard, the rule of law, good governance and transparent institutions played a crucial role. The importance of private public partnerships, based on coherent policies at all levels and sufficient policy space, had been emphasized;

(k) That, in the second thematic debate on a global partnership for sustainable development in the context of post-2015 agenda, participants had highlighted that the agenda would need to be based on a renewed and strengthened

global partnership for development. Such a partnership would need to contain strong monitoring and accountability mechanisms;

(l) That the upcoming third international conference on financing for development had been highlighted as an important occasion to provide the new global partnership with a holistic and comprehensive financing framework;

(m) That many participants had stressed that global economic governance and the voice and representation of developing countries in economic decision-making bodies would need to be improved as a matter of urgency;

(n) That, during the multi-stakeholder dialogue on the way forward, participants had reiterated many of the themes touched upon in the earlier sessions and focused on the way forward. Specific proposals had included a sovereign debt restructuring mechanism, improved international tax cooperation to address tax avoidance and more extensive use of special drawing rights. The potential of the private sector to provide long-term investments in areas critical for sustainable development had been highlighted, while there had also been calls for strong institutional frameworks and transparency in the engagement of public with private actors.

59. He pointed out that the record of the Millennium Development Goals was generally a good one, but more must be achieved. To that end, the international community must mobilize a set of dynamic multi-stakeholder partnerships to achieve its common goals, with strengthened intergovernmental cooperation at the centre. The post-2015 agenda should define the critical elements of such a collaborative approach. He expressed hope for continued support and cooperation from all parties in order to move towards an ambitious post-2015 development agenda that would enable the international community to achieve sustainable development for all.

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Assistance to the Palestinian people

Report of the Secretary-General

Summary

The present report, submitted in compliance with General Assembly resolution 68/100, contains an assessment of the assistance received by the Palestinian people, needs still unmet and proposals for responding to them. It describes efforts made by the United Nations, in cooperation with the Palestinian Authority, donors and civil society, to support the Palestinian population and institutions.

The reporting period is from May 2013 to April 2014. During this period, the Palestinian Authority continued to implement the Palestinian National Development Plan 2011-2013 and developed the Palestinian National Development Plan 2014-2016. In support of these efforts, the United Nations developed the United Nations Development Assistance Framework for the State of Palestine 2014-2016, which focuses on six priority areas: (a) economic empowerment, livelihoods, decent work and food security; (b) governance, rule of law, justice and human rights; (c) education; (d) health care; (e) social protection; and (f) urban development, natural resource management and infrastructure. The financial resources required for the assistance provided through the Framework amount to approximately $1.2 billion. This complements the humanitarian programming outlined in the 2014 Strategic Response Plan for the occupied Palestinian territory, which has a total budget of $390 million.

* A/69/50.
** E/2014/1/Rev.1, annex II.

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In July 2013, Israelis and Palestinians returned to direct final status negotiations, supported by extensive facilitation efforts led by the United States of America and assisted by the Quartet. The parties agreed on an agenda encompassing all core final status issues and on the goal of reaching a comprehensive agreement within nine months. However, despite the resumption of negotiations, the situation on the ground continued to deteriorate with increased settlement activity and violence in the West Bank and a deteriorating humanitarian situation in Gaza.

During the reporting period, the United Nations continued its efforts to respond to development and humanitarian challenges in the context of occupation, focusing particularly on areas where the Palestinian Authority was least able to extend its services, namely, Gaza, and Area C and East Jerusalem of the West Bank.

I. Introduction

1. The present report is submitted in compliance with General Assembly resolution 68/100, in which the Assembly requested the Secretary-General to submit to it, at its sixty-ninth session, through the Economic and Social Council, a report on the implementation of the resolution, containing an assessment of the assistance actually received by the Palestinian people and an assessment of the needs still unmet and specific proposals for responding effectively to them. Also included is a summary of key political developments and challenges relevant to the reporting period, as the international community continued to work to alleviate the suffering of the Palestinian people, as well as to support the State-building efforts of the Palestinian Authority and negotiations between the parties. The reporting period is from May 2013 to April 2014.

2. Information on the living and socioeconomic conditions of the Palestinian people is provided in several reports prepared by other United Nations agencies, in particular: (a) the report of the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan (to be issued); and (b) the annual report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (A/68/13).

3. The humanitarian, economic and development needs of the Palestinian people are reflected in several complementary documents. The 2014 Consolidated Appeal Process, now called the 2014 strategic response plan, with a more targeted focus than in previous years, is seeking $390 million to address the most urgent humanitarian needs by enhancing the protective environment and tackling the food insecurity of the most vulnerable groups throughout the occupied Palestinian territory. The United Nations Development Assistance Framework for the State of Palestine presents the United Nations strategic response to Palestinian development priorities for the period 2014-2016, in alignment with the current Palestinian National Development Plan. UNRWA programme goals for the period 2010-2015 were reflected in the Agency's medium-term strategy, which was estimated at $639.4 million for 2013-2014, excluding emergency relief interventions. The Palestinian National Development Plan 2014-2016 outlined priority development needs amounting to roughly $12 billion.

4. Throughout the year, the Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO) continued its efforts to support the peace process and to ensure effective coordination among the Palestinian Authority, the United Nations, the international community and the Government of Israel. The Office also continued to document the economic and social conditions in the occupied Palestinian territory, and to develop policies and programmes to improve them.

II. Overview of the current situation

A. Political context

5. In July 2013, for the first time since October 2010, Israelis and Palestinians returned to direct final status negotiations, supported by extensive facilitation efforts led by the United States of America. The parties agreed on an agenda encompassing all core final status issues and on the goal of reaching a comprehensive agreement within nine months. The Quartet welcomed the resumption of talks and reiterated its shared commitment to helping the parties to achieve a negotiated two-State solution within the agreed time frame. In accordance with the agreement, the first round of talks was held on 14 August, in Jerusalem, following the release of a first tranche of pre-Oslo Palestinian prisoners. The Secretary-General travelled to the State of Palestine, Israel and Jordan on 15 and 16 August to lend support to the process.

6. Dialogue intensified during the autumn of 2013, with some 17 rounds of talks. The repeated announcement of settlements with each release of prisoners, however, complicated the negotiation efforts. Since the beginning of 2014, such efforts have focused on articulating an agreed framework on all core issues as the guiding basis for continued negotiations towards a final status agreement. Secretary of State Kerry has pursued his shuttle diplomacy between the sides.

7. International support for the renewed peace talks, including through the Quartet and key Arab, regional and other stakeholders, has been steadfast. On 20 January 2014, at the Security Council open debate on the situation in the Middle East, the Secretary-General reiterated the need to help Israelis and Palestinians to draw back from a dangerous status quo, since the failure of political progress could fuel a downward spiral on the ground.

8. On 28 March 2014, citing a lack of political progress in the peace talks, Israel postponed its decision to follow through with the release of the fourth and final tranche of 30 pre-Oslo Palestinian prisoners. In response, on 1 April, and following the announcement on the same day of 708 reissued tenders for settlement units in Gilo, President Abbas announced that the Palestinian leadership had unanimously voted to join 15 international conventions and treaties. The accession instruments to 13 of those applications, including an optional protocol, were deposited with the Secretary-General on 2 April and all States concerned have since been informed through the circulation of depository notifications. Accession to the four Geneva Conventions of 1949 and an additional protocol came into effect retroactively. President Abbas nevertheless remained committed to continuing negotiations until 29 April. Despite continued meetings between the parties to overcome the impasse and to agree to an extension of the negotiating period on a different basis, on 24 April Israel suspended its participation in the talks in response to the announcement one day earlier of an intra-Palestinian unity agreement on the formation of a national consensus Government. Israel stated that it would not negotiate with any Palestinian Government backed by Hamas that does not recognize Israel's right to exist. The initial nine-month framework for negotiations lapsed on 29 April. At the time of writing, it remains unclear whether the parties will be able to find their way back to meaningful negotiations. In the meantime, the Secretary-General has appealed to both Israelis and Palestinians to exercise prudence and to avoid unilateral steps that would diminish the prospects for a negotiated final settlement.

9. The political impasse was compounded by a volatile situation on the ground with negative trends in the West Bank, including East Jerusalem, and a fragile calm in Gaza. Since mid-December 2013, clashes between Israeli forces, Israeli settlers and Palestinians have increased in frequency and intensity, particularly in and around refugee camps. Palestinian stone- and Molotov cocktail-throwing has also been on the rise and has resulted in some injuries and material damage. Settler attacks against Palestinians and their property, including attacks against orchards and one arson attack on a mosque, have also continued despite Israeli efforts to crack down on perpetrators of so-called price tag attacks. Palestinian security forces have continued working to maintain law and order in areas under their control in the West Bank.

10. The settlement restraint observed in the spring of 2013 has since been unravelling, including in East Jerusalem, with announcements relating to the approval of settlement units, including one relating to the approval of 24,000 units, since stopped, in November 2013. The United Nations position on the illegality of settlements remains firm. On 19 July, the European Commission, drawing on earlier Foreign Affairs Council conclusions, issued guidelines stipulating that it would only provide grants to and maintain relations with Israeli institutions within the 1967 line. The guidelines prescribe that any Israeli legal entity receiving funding from the European Union would have to state that it has no links to the West Bank, including East Jerusalem. In February 2014, plans to build over 2,000 new settlement units were announced. Demolitions of Palestinian property also continued. Tensions increased around the Temple Mount/Haram al-Sharif, including over visits of right-wing Israeli politicians to the compound and an inconclusive Knesset debate on 25 February on extending Israeli sovereignty over the holy site. The Secretary-General has reiterated the United Nations position that the status of the Old City and the religious sites within it are sensitive final status issues to be resolved only through negotiations and that the parties should refrain from attempts to establish facts on the ground and to alter the character of the Old City. The situation of Palestinians in Israeli administrative detention, some of whom undertook hunger strikes, has remained of grave concern. Palestinians also organized demonstrations in the West Bank and Gaza to express concern over the health of sick Palestinian prisoners in Israeli detention.

11. In Gaza, the calm has been eroding with several episodes of rocket fire into Israel, border incidents and dangerous escalations. During the summer of 2013, several measures were taken by Israel to relax the closure regime, including the extension of the fishing limit from 3 to 6 nautical miles. By the end of November 2013, i.e., one year after the ceasefire understanding, the situation in Gaza had once again deteriorated, with renewed violence and worsening socioeconomic conditions. Following the discovery in October of a tunnel extending into Israel built by Hamas, Israel suspended the import of construction material for international projects through the Kerem Shalom crossing. This decision has since been partly reversed for United Nations projects. Ongoing political and security developments in Egypt have also led to the continued closure of tunnels, the tackling of illegal smuggling and the frequent closure of the Rafah crossing. Between 11 and 13 March, more than 70 rockets and mortar shells were fired towards Israel. These incidents, responsibility for the majority of which was claimed by Palestinian Islamic Jihad, did not result in injuries or significant material damage. Israel conducted a number of air strikes into Gaza in March 2014, resulting in the death of five militants

reportedly affiliated with Palestinian Islamic Jihad and injuries to two Palestinian civilians, while an additional three civilians were injured by live fire from the Israel Defense Forces in the vicinity of the barrier. On 5 March, Israeli naval forces intercepted a ship in the Red Sea, allegedly transporting arms, including missiles, from the Islamic Republic Iran to the Gaza Strip.

12. The full implementation of Security Council resolution 1860 (2009), which entails overcoming the Palestinian political divide in ways that should advance the potential for a two-State solution, continues to represent the most viable option to stabilize and improve the situation in Gaza while addressing its structural problems. The unity agreement announced on 23 April provided for the formation of a Palestinian Government of national consensus within five weeks and the holding of presidential and legislative elections within six months thereafter. Addressing a Palestine Liberation Organization (PLO) Central Council meeting on 26 April, President Abbas reiterated that this agreement will be implemented under his leadership and on the basis of PLO commitments, which would hold the future Government of National Consensus to recognition of Israel, non-violence and adherence to previous agreements. He also emphasized that an agreement on this basis and continued peaceful negotiations should not be viewed as contradictory. The United Nations continues to believe that a unity agreement implemented on the terms described by President Abbas would constitute an opening that offers, at long last, the prospect of reuniting the West Bank and Gaza under one legitimate Palestinian Authority, including by holding long overdue elections.

B. Humanitarian and socioeconomic context

Economic and fiscal developments

13. The Palestinian Authority continued to implement key economic and fiscal reforms, yet fiscal consolidation progressed slowly in 2013. The fiscal strain is evident through continued arrears accumulation and high public debt. In 2013, total revenues were 8 per cent below budget, while total expenditures were 2 per cent above budget, with net lending reaching 357 per cent of the budgeted amount. This resulted in a total deficit of $1.4 billion. In 2013, the Palestinian Authority received close to $1.3 billion in direct budget support, a sum higher than projected.[1]

14. In February, the Palestinian Cabinet approved a $4.2 billion budget for the coming year, reflecting a 9 per cent increase since 2013. The 2014 budget presents a current deficit of $1.3 billion and development financing needs of $0.3 billion.[2]

15. The weakening of real gross domestic product (GDP) growth in the West Bank and the Gaza Strip in 2013 is of real concern. In 2013, unemployment stood at 18.6 per cent in the West Bank and increased to 32.6 per cent in the Gaza Strip.[3] Women and young people continue to be particularly affected by the lack of jobs.

16. Concerns about the long-term prospects of the Palestinian economy continued to include the need for enhanced private sector activity, particularly in the

[1] Government of the State of Palestine, Ministry of Finance, Fiscal Operations: Revenues, Expenditures and Financing Sources Monthly Report, December 2013 (11 February 2014).

[2] Ibid., March 2014 (16 April 2014).

[3] Palestinian Central Bureau of Statistics; data available at http://pcbs.gov.ps/Portal/_PCBS/Downloads/Book2049.pdf.

productive sectors of the economy. This will require increased access to natural resources and the further relaxation of access restrictions on people and goods. It is estimated that the lifting of the restrictions on movement and access and other administrative obstacles to Palestinian investment and economic activity in Area C would result in potential additional output amounting to at least $2.2 billion per annum in valued added terms, a sum equivalent to 23 per cent of Palestinian GDP in 2011.[4]

Humanitarian developments

17. During the reporting period, 47 Palestinians were killed (19 in Gaza, including 10 militants; 28 in the West Bank; overall, 4 children and 1 woman) and 2,632 were injured (188 in Gaza; 2,444 in the West Bank; overall, 830 children and 77 women) by Israeli security forces.[5] In comparison, 258 fatalities and 5,492 injuries were reported during the previous period, mostly as a result of the conflict in Gaza in November 2012. Settler violence towards Palestinians resulted in 235 injuries (including 34 children and 11 women) in 83 incidents. In addition, an estimated 292 incidents against Palestinians led to damage to property, with at least 13,955 trees damaged. A total of 4 Israelis (including 2 civilians) were killed and 118 were injured during the reporting period, compared with 7 Israelis killed and 405 injured during the previous reporting period.

18. As at the end of December 2013, 154 boys between the ages of 14 and 17 were in Israeli detention for alleged security violations.

19. Between 1 May 2013 and 8 April 2014, a total of 663 housing and livelihood structures were demolished in Area C of the West Bank, including East Jerusalem, displacing at least 1,120 persons, around half of them children. At least 2,320 additional persons were affected by the demolitions of housing and livelihood assets during the reporting period.

20. The latest socioeconomic and food security survey (2012) revealed a significant increase in food insecurity in the occupied Palestinian territory, from 27 per cent to 34 per cent, indicating that tackling food security remains a key humanitarian concern in the territory. In the West Bank, food insecurity levels reached 19 per cent and in Gaza, food insecurity levels reached an alarming 57 per cent.

Movement, humanitarian access and operational space

21. Access to and movement of Palestinians between most Palestinian urban centres in the West Bank, excluding East Jerusalem, remained restricted during the reporting period. These ongoing restrictions on Palestinian access to land, social services and economic opportunities in East Jerusalem and Area C hinder development efforts, resulting in deteriorating living conditions and increased vulnerability. In Gaza, restrictions on land and sea access imposed by the Government of Israel remained in place.

[4] World Bank, Area C and the future of the Palestinian economy, Report No. AUS2922. Available from http://documents.worldbank.org.

[5] Figures cover the period from 1 May 2013 to 7 April 2014. Data collected by the Office for the Coordination of Humanitarian Affairs.

22. From May 2013 to March 2014, at least 300 incidents of delayed or denied access by United Nations and non-governmental organization (NGO) staff members were reported at Israeli checkpoints. Around half of these incidents occurred as United Nations staff crossed the barrier on the Jerusalem periphery.

Barrier

23. Construction of the barrier continued in the north-west of the Bethlehem Governorate in addition to rerouting works near Khirbet Jubara in Tulkarem as well as around Qalqiliya. The United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory established pursuant to General Assembly resolution ES-10/17 of 24 January 2007 continued its outreach and claim intake activities. More than 42,000 claims and over 500,000 supporting documents were collected. Claim intake activities in the Tubas, Jenin, Tulkarem, Qalqiliya and Salfit Governorates were completed and the work in the Ramallah and Hebron Governorates is nearly finalized. Outreach and claim intake activities in the Bethlehem Governorate have also been initiated.

III. United Nations response

24. In 2014, the United Nations and its partners, through the 2014 Strategic Response Plan for the occupied Palestinian territories, will continue to coordinate and deliver humanitarian and protection assistance, including food assistance, to 1.9 million vulnerable Palestinians, largely in Gaza, Area C of the West Bank, East Jerusalem and the seam zone. The humanitarian strategy, which replaces the Consolidated Appeal Process, takes into account and is aligned with the cycle of the longer-term development strategies, particularly the Palestinian National Development Plan 2014-2016, which in turn is supported by the United Nations Development Assistance Framework for the State of Palestine 2014-2016.

25. The United Nations system worked closely with the Palestinian Authority in developing the United Nations Development Assistance Framework for the State of Palestine, a strategic planning framework that guides United Nations development programming between 2014 and 2016 and is aligned with the Palestinian National Development Plan 2014-2016. The Framework places the Palestinian people at the centre of development programming with the aim of enhancing human security, thereby laying the foundation for human development objectives in a context of occupation. The United Nations, through its extensive humanitarian programming, continued to provide essential assistance to Palestinians.

A. Human and social development

26. The United Nations continued to coordinate and deliver humanitarian assistance, including food assistance, to over 1 million people; water and sanitation assistance to over 1.5 million people; and health and nutrition services to nearly 2.5 million people in the occupied Palestinian territory.

27. United Nations development programming focused on capacity development, infrastructure and the provision of direct assistance and basic services. This work is centred on six strategic areas: (a) economic empowerment, livelihoods, decent work

and food security; (b) governance, rule of law, justice and human rights; (c) education; (d) health care; (e) social protection; and (f) urban development, natural resource management and infrastructure, as outlined in the United Nations Development Assistance Framework for the State of Palestine 2014-2016. The estimated financial resources required for the assistance provided through the Framework amount to $1.2 billion for the period 2014-2016. At the time of writing, one third of this budget had been mobilized.

28. An important part of the United Nations development work in the State of Palestine is its activities in Gaza. Despite continued closures that still hamper operations, the United Nations implements a package of development works that are worth nearly $450 million and that generate employment in the construction sector, one of the few dynamic sectors in Gaza. For example, through UNRWA construction projects, 4,090 full-time equivalent jobs were generated in 2013. Combined, these jobs represented 8.1 per cent of all employment in the Gaza Strip and contributed to reducing the unemployment rate in Gaza by 5.5 percentage points.

29. Illustrative examples of the types of assistance provided by the United Nations are set out below.

Education

30. Nine United Nations agencies continued to support the implementation of the "Education for All" package for the State of Palestine, which is led by the Ministry of Education and Higher Education to address capacity-building needs in inclusive and child-friendly education and early childhood development.

31. These agencies supported the Ministry of Education and Higher Education in the opening of 44 preschool classrooms, 30 in the West Bank and 14 in Gaza, through the installation and equipment of 14 prefabricated units for preschool classrooms in Gaza and the provision of as well as technical support to the Ministry for the implementation of its new early childhood development strategy.

32. As part of the Education for All package, 70 pilot schools in the West Bank and Gaza (including 12 UNRWA schools) benefited from various education interventions, such as school-feeding programmes and capacity development programmes focusing on inclusive and child-friendly education, early childhood development and special educational needs.

33. The United Nations Children's Fund (UNICEF) supported the capacity development of 21,094 teachers, principals and supervisors in the area of active learning strategies and the child-friendly school approach.

34. The United Nations Educational, Scientific and Cultural Organization (UNESCO) initiated support to vulnerable students through a new initiative that focuses on expanding access to resource materials and books through libraries and implementing a right to education advocacy strategy. It identified and equipped 12 libraries in the West Bank and Gaza with resources and trained 12 librarians.

35. The United Nations Development Programme (UNDP) continued to implement the Al Fakhoura Scholarship Programme for Gazan students.

36. The International Labour Organization (ILO) continued to promote entrepreneurship education and to support the nationalization of the entrepreneurial education curriculum in all vocational training centres, industrial schools and

technical colleges. Five training activities took place in Ramallah, Nablus and Hebron for key national facilitators of vocational training centres.

37. UNRWA provided free primary education to approximately 283,307 students enrolled in 344 elementary and preparatory schools across the West Bank and Gaza. In Gaza, 71 per cent of schools currently operate on a double-shift system while in the West Bank, only 5 per cent of schools are temporarily on the double-shift system, to accommodate new school construction. Owing to funding constraints, UNRWA was forced to suspend school feeding to students in Gaza attending classes in the 245 schools.

38. UNICEF, along with its national partners, supported safe and protected access for around 8,980 children (26 per cent of them girls) to schools at 19 different locations including checkpoints, gates and schools most vulnerable to settler violence and harassment by the Israel Defense Forces.

Health

39. UNRWA continued to be a major provider of health-care services, operating 42 health-care facilities, 21 primary health-care centres, one hospital and one non-communicable disease referral centre in Gaza and the West Bank, employing over 2,000 staff. Annually, an average of 30,000 Palestine refugees in the West Bank received assistance for hospital-care costs.

40. In the West Bank, UNRWA operated six mobile clinic teams, which provided primary health-care services to 55 of the most remote or vulnerable communities. The teams provided an average of more than 12,000 patient consultations a month and covered a population of approximately 120,000 refugees and non-refugees.

41. The United Nations Population Fund (UNFPA) completed a continuum of care project, which improved access to high-quality obstetric care for the most at-risk Gaza communities and expanded safe delivery services by establishing, rehabilitating and equipping key maternity and primary health-care centres. Moreover, it continued to work on strengthening family planning services by ensuring the availability of family planning commodities at all public service delivery points. Complementing these interventions, UNFPA reached 5,943 women with health promotion and awareness activities.

42. Through the Global Fund to Fight AIDS, Tuberculosis, and Malaria, United Nations agencies continued to deliver life-saving drugs to patients through the Ministry of Health, both in Gaza and the West Bank.

43. UNICEF and the World Health Organization (WHO) supported the Ministry of Health in procuring polio vaccines and coordinated a national immunization campaign from which 639,481 children under the age of five benefited.

44. UNICEF supported the provision and rehabilitation of equipment for at least eight neonatal intensive care units and trained health professionals on neonatal guidelines. Data from one of the targeted hospitals in Gaza showed a decrease in the neonatal mortality rate and in premature deaths. In addition, UNICEF supported the provision of equipment for maternity wards in two hospitals in the West Bank, which resulted in improved paediatric health services for 17,000 children and obstetric health services for 12,000 women.

45. UNICEF continued to implement the baby-friendly hospital initiative in nine hospitals and 45 health facilities in the West Bank and three hospitals in Gaza and reached 4,610 mothers and newborns through the postnatal home visits programme.

46. Approximately 3,500 Palestine refugees received individual psychosocial counselling services from the UNRWA West Bank community mental health programme in 2013. UNICEF scaled up its psychosocial programmes implemented in family centres in Gaza through five psychosocial emergency teams and through the Ministry of Education and Higher Education, reaching approximately 150,000 children, half of them girls (of whom 37,145 were adolescents), with professional psychosocial support services that helped to increase their resilience and coping mechanisms. These services included group counselling, individual counselling, emergency home visits, life skills, educational support and recreational activities. In addition, a total of 17,986 caregivers (35 per cent of them men) were reached through awareness-raising activities designed to improve parents' knowledge and skills regarding how to protect their children and provide better support to them, especially at times of crisis.

Water and sanitation

47. In the West Bank, UNICEF supported water quality monitoring of cisterns benefiting 570 families and implemented the water and sanitation in schools programme, which involves the construction and rehabilitation of water, sanitation and hygiene facilities in 55 schools. Once completed, the programme will benefit more than 80,000 students.

48. UNICEF supported the Palestinian Water Authority and the Coastal Municipalities Water Utility in the initiation of the construction and installation of a short-term low-volume seawater desalination plant in Gaza.

Employment

49. ILO implemented a programme to support livelihoods and job opportunities in the fishery sector in Gaza. Using participatory value chain analysis and a series of training activities that were adapted to the needs of individuals, groups and associations in the sector, the project facilitated the development of a Gaza sector recovery plan while also fostering dialogue among stakeholders in various sectors.

50. United Nations agencies continued to support income-generation and self-employment opportunities for vulnerable Palestinians. UNDP targeted around 4,000 families across the West Bank and Gaza and focused on income-generating activities in microenterprise and small enterprise development, housing, education, health and rehabilitation. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), through 41 women's centres, focused on job opportunities in food processing and marketing. The programme directly benefited 536 women workers and over 35,800 women benefited from the services provided at the centres. Through the programme, 23 women's centres have reached financial sustainability. The activity also benefited more than 258 schools and over 100,000 schoolchildren who receive healthy and affordable snacks made by women from the community-based centres. Moreover, 800 Palestine refugee women were trained through the young women leaders programme implemented by UNRWA in Gaza. The programme aims to close a skills gap in the labour market by ensuring that women are developing skills demanded by the labour market through theoretical and

practical training courses, work placement schemes and small- and medium-enterprise training. The Food and Agriculture Organization of the United Nations (FAO) supported 19 women's cooperatives and their members in achieving improved economic conditions through training to strengthen their marketing skills and the provision of tools to improve the marketability of their products.

51. On 1 December 2013, the United Nations Office for Project Services (UNOPS) delivered and installed a new high-tech gantry container scanner at the Kerem Shalom crossing.

Targeted social protection

52. In Gaza, UNRWA distributed 426,221 food parcels to 21,638 Palestine refugee households, but was forced to suspend cash assistance owing to budgetary constraints. It also distributed 101,970 food parcels and $1.1 million in supplementary cash assistance to 11,358 Palestine refugee households through its social safety net and special hardship cases programmes in the West Bank. The World Food Programme (WFP) continued to support the Palestinian Authority's social safety net programme. In 2014, it reached 214,230 people in the State of Palestine through the programme with general food distribution and food vouchers.

Culture

53. UNESCO continued its cultural conservation activities across the West Bank and Gaza. It provided financial and technical assistance for the Riwaya Museum in Bethlehem and continued excavations, research, public awareness and the construction of the visitor's centre at the Tell Balata Archaeological Park in Nablus. In Gaza, emergency conservation activities at the archaeological site of Saint Hilarion Monastery/Tell Umm Amer continued through a partnership with the French Biblical and Archaeological School of Jerusalem and the Islamic University of Gaza.

54. UNESCO also continued its project to build local capacity in cultural heritage preservation in the West Bank and the Gaza Strip. The project enhanced conservation skills and knowledge with an emphasis on young architects and workers, promoted cultural tourism, raised public awareness of the values of the cultural heritage, introduced the socioeconomic aspect of cultural heritage preservation by creating job opportunities and provided facilities for public use. Through the project, six buildings and spaces were renovated.

Food security and agriculture

55. Through the agriculture sector revitalization activities of FAO, 350 farmers received intensive training on integrated pest management, global good agricultural practices certification, integrated crop management and integrated plant protection.

56. UNDP finalized the development of an additional 2,400 dunums[6] for poor farmers in areas of the West Bank, including East Jerusalem, that are in direct proximity to Israeli settlements or in the seam zones, bringing the total reclaimed land to approximately 12,000 dunums in 2013. it also supported land development

[6] A dunum is equivalent to 1,000 square meters or 0.1 hectares (i.e., 10 dunums equals 1 hectare).

activities to ensure the sustainable use of land, primarily for olives, stone fruits and other seasonal field crops.

Human rights, women, children and youth

57. Five United Nations agencies launched a joint programme to strengthen respect for the human rights of persons with disabilities through legislation, in compliance with the Palestinian Disability Law and the Convention on the Rights of Persons with Disabilities, and to mainstream considerations for persons with disabilities in schools and employment services. This will be achieved through a close partnership between Government ministries, United Nations agencies, organizations for persons with disabilities and other key stakeholders.

58. United Nations agencies continued to support the special needs of women, including by addressing gender-based violence. UN-Women established 49 women's centres for survivors of gender-based violence and eight community-based women's centres that also served as shelters. More than 300 women benefited from psychosocial, social and legal counselling services at the first multipurpose anti-violence centre in Gaza and a monthly average of 20 women benefited from protection, sheltering and legal and psychosocial counselling at the Mehwar Centre for the Protection and Empowerment of Women and Families in the West Bank. UNRWA reached nearly 10,000 Palestine refugees in community-awareness and prevention activities relating to gender-based violence, children's and human rights, domestic violence, neglect and sexual abuse.

59. United Nations agencies continued to improve the quality and provision of legal services for women. UN-Women trained 20 lawyers in integrating gender perspectives into their litigation and 18 women inmates in Palestinian detention centres benefited from legal counsel and representation as well as rehabilitation activities. UNDP provided legal awareness sessions to over 1,890 people (1200 in Gaza and 693 in the West Bank) and legal aid, including advice and representation, in over 1,000 cases (350 in Gaza and 741 in the West Bank), mostly focusing on providing assistance to women. During the three years of this programme, more than 45,000 women were provided with legal aid services.

60. UNESCO provided training to female journalists in Gaza and the West Bank, in recognition of their unique role as defenders of human rights and providers of information. Training focused on personal safety, risk assessment, conflict management and freedom of expression.

61. In partnership with the Higher Council of Palestinian Youth and Sport and NGO partners, United Nations agencies reached 10,000 adolescents (50 per cent of them girls), who participated in and benefited from community youth-led initiatives aimed at fostering their civic participation and strengthening their life and employability skills, thereby reducing their marginalization. Furthermore, UNFPA and its national partners launched the Youth Peer Education Network (Y-PEER) as part of the global Y-PEER.

62. UNICEF continued to lead the inter-agency working group for the monitoring and reporting of grave violations against children in Israel and the occupied Palestinian territory in accordance with Security Council resolutions 1612 (2005) and 1882 (2009). The working group's database enabled partners to document incidents of grave violations affecting children and to produce detailed analysis of

the type of military or armed group activity or settler violence affecting the functioning of schools. School teachers and principals in 186 schools in vulnerable areas affected by conflict were trained in documenting education-related violations, resulting in improved reporting accuracy.

Environment, housing and urban development

63. FAO supported efforts to develop natural resources through the rehabilitation of 1,000 dunums of grazing land and the distribution of over 350 ton of drought-tolerant seeds and shrubs.

64. UNDP provided support for adequate housing to nearly 80 low-income families through rehabilitation and renovation interventions in Jerusalem. In addition, it provided support to improve the economic infrastructure by enhancing the physical situation of seven shops and businesses in the Old City of Jerusalem, including three bakeries, one olive press, one hostel and two shops.

65. In Gaza, the United Nations Mine Action Service substantially reduced the threat posed by explosive hazards through improved protection works. As a result, all unexploded ordnance was moved from urban areas to the pre-demolition store established outside Gaza City and 8.5 tons of explosive hazards from both sides to the conflict were destroyed.

B. United Nations system emergency assistance

66. The 2014 strategic response plan for the occupied Palestinian territory is seeking $390 million, similar to the level of funding requested by the 2013 Consolidated Appeal Process for the occupied Palestinian territory. The 2013 Consolidated Appeal Process has received 66 per cent ($265 million) of the requested $401 million in funds. While humanitarian needs have increased, the level of funding requested by the 2014 strategic response plan represents a more targeted approach to address the most urgent needs and improve the distinction between humanitarian and development assistance. As with previous years, the 2014 strategic response plan maintains a focus on tackling entrenched levels of food insecurity, serious protection and human rights issues and the limited access of vulnerable Palestinian communities to essential services, particularly in Gaza, East Jerusalem, Area C of the West Bank and the seam zone.

67. In addition, the UNRWA Emergency Appeal for 2014 is requesting $300 million to meet the needs of some 2 million Palestine refugees in Gaza and the West Bank. Most of the funding requested and received in 2013 was for emergency programmes in Gaza; of the $245 million requested, $115 million was received. In the West Bank, of the $55 million requested, nearly $29 million was received and allocated to emergency programmes.

68. The energy situation in the Gaza Strip remains extremely fragile. During the reporting period, the United Nations, with contributions from Turkey and the Islamic Development Bank, put in place a safety net to replenish the on-site reserves of a number of critical energy facilities. Nevertheless, the current situation highlights the need to find a structural solution to Gaza's energy problems.

Emergency food support

69. In Gaza, UNRWA delivered an additional 530,000 emergency food aid parcels to nearly 140,000 Palestine refugee families, benefiting 748,040 individuals living in abject or absolute poverty. UNRWA and WFP continued their joint assistance programme for marginalized Bedouins and herders, both refugee and non-refugee, in the West Bank, reaching 30,507 individuals with food distributions. In response to Winter Storm Alexa in December 2013, WFP distributed ready-to-eat food to about 10,000 people residing in shelters in Gaza and distributed food to 1,000 individuals and food vouchers to 250 individuals in the West Bank.

Emergency income generation

70. During the reporting period, the UNRWA job creation programme provided 40,285 refugees with job opportunities in 19 Palestine refugee camps and over 350 cities and villages throughout the West Bank, injecting $16,726,647 into food-insecure/food-vulnerable households and reaching a total of 115,733 beneficiaries (hired workers and their families).

Emergency health support

71. The UNRWA emergency health programme in the West Bank supported 25 primary health-care centres located in protection incident-prone locations, serving an estimated 270,000 Palestine refugees. In 2013 a total of 218,087 patient consultations were provided, of which 56 per cent benefited women. UNRWA, through individual and group counselling, family support and psychosocial activities for communities facing protection threats, provided psychosocial services to 49 Bedouin communities in the West Bank, serving an estimated population of 10,500 Palestine refugees. This included communities located in military zones, communities living in close proximity to settlements and communities threatened with demolition orders or facing severe access and movement restrictions.

72. WHO continued its support aimed at reducing shortages in life-saving drugs and medical disposables. Furthermore, it assisted in filling a number of gaps in the supply of pharmaceuticals and continued to help to coordinate the import of medical supplies donated to the Gaza Strip. It also provided urgently needed technical assistance, medical equipment and spare parts to maintain, repair and improve existing equipment, including generators and medical equipment damaged, as a result of the unstable power supply and frequent blackouts due to fuel shortages. UNICEF, meanwhile, provided life-saving paediatric drugs and consumables to cover needs in Gaza for three to six months as acute shortages worsened as a result of the limited opening hours of the Rafah crossing.

Emergency water and sanitation support

73. UNRWA supported water, sanitation and health service providers operating inside and outside the Palestine refugee camps in Gaza in procuring fuel and other supplies needed for critical operations and managed solid waste collection in all eight Palestine refugee camps. In the West Bank, it supported sewage and storm water networks and rehabilitated a water treatment plant in Aqbat Jaber refugee camp.

Emergency agriculture support

74. FAO supported the land rehabilitation of 160 dunums of open-field vegetable production for 80 farming households, the provision of tools and gardens to over 120 male-headed and 550 female-headed farming, herding and peri-urban poor households and the provision of small-scale animal units or fish ponds to over 500 male-headed and 400 female-headed households in the West Bank and Gaza Strip. It also rehabilitated water cisterns/wells for 750 families (7,800 individuals) to safeguard assets and expand livelihoods.

75. FAO also provided a quick response to Winter Storm Alexa by rehabilitating animal sheds, benefiting 1,200 livestock herders in Gaza and the West Bank. In addition, 740 small-scale farmers benefited from greenhouse rehabilitation. The emergency response was carried out in close coordination with the Ministry of Agriculture with regard to needs assessment, field verification, provision of materials and installation phases. The selection of materials and installation followed the "Build Back Better" approach, which ensured that the rehabilitated structures were technically sound and had a high level of resistance to future shocks.

Emergency education support

76. With the support of the Ministry of Education and Higher Education, UNICEF scaled up the psychosocial programmes implemented in family centres and adolescent-friendly spaces in Gaza through five psychosocial emergency teams, benefiting approximately 150,000 children, half of them girls, with professional psychosocial support services that helped to increase their resilience and coping mechanisms. These services included group counselling, individual counselling, emergency home visits, life skills, educational support and recreational activities. In addition, a total of 17,986 caregivers (35 per cent of them men) were reached through awareness-raising activities designed to improve parents' knowledge and skills regarding how to protect their children and provide better support to them, especially in times of crisis.

Emergency housing support

77. During the reporting period, UNRWA provided emergency assistance, including cash assistance, to 108 families (603 individuals) affected by Winter Storm Alexa and 208 families (1,219 individuals) affected by incursions by the Israeli security forces and home demolitions in the West Bank. In Gaza, UNRWA provided emergency assistance, including cash assistance, to 1,103 families affected by Winter Storm Alexa and 528 families impacted by the destruction or damage of their homes as a result of Israeli military action in November 2012.

C. United Nations system support to Palestinian institutions

78. The United Nations provided technical support to line ministries for the development of sectoral strategies that informed the Palestinian National Development Plan 2014-2016. The Plan reflects the thematic priority areas and geographical focus areas included in the United Nations Development Assistance Framework for the State of Palestine 2014-2016, indicating strong alignment between the approach of the United Nations to development programming and the development objectives of the Government of the State of Palestine. In addition, the

Plan reflects the United Nations programming principles of results-based management, gender equality and human rights.

79. The United Nations continued to provide technical assistance to strengthen the capacity of the Government of the State of Palestine in the area of mainstreaming human rights. The Office of the United Nations High Commissioner for Human Rights (OHCHR) worked closely with the Government in the preparation of a guidance document that provides concrete human rights-based goals, targets and interventions for incorporation in the Palestinian National Development Plan. This guidance document was adopted by the Government in January 2014. OHCHR published a study recommending which Palestinian laws should be revised to ensure compliance with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and held workshops for Government officials on reporting procedures under these instruments.

80. UN-Women continued to support the Ministry of Social Affairs and the Ministry of Women's Affairs in upholding international human rights standards on protecting women against violence and supported the establishment of an observatory on women's access to justice under the Independent Commission for Human Rights. Fifty-four cases involving violence against women have been monitored thus far. UN-Women continued to provide technical support to the Ministry of the Interior in line with the National Strategy to Combat Violence against Women. Ten Family Protection Units have been established in addition to the Family Protection Unit headquarters. Specific standard operating procedures have been developed for the Units and Unit staff were trained to ensure the quality and standardization of support.

81. ILO finalized an actuarial assessment that provides different scenarios for a new social security scheme. The assessment presented proposed provisions and contribution rates for a social security scheme that includes long-term benefits (old age, disability and survivors' pension), maternity benefits and employment injury benefits for private sector workers. It also supported the relevant national committee in the drafting of the legal framework of the proposed scheme to ensure it is in line with ILO standards and best practices worldwide.

82. UNOPS continued its programme of enhancing the operational capacity of the Palestinian Civil Police, the national security forces, the Presidential Guard and other security services, including the Civil Defence in their disaster risk response responsibilities. This was achieved through the provision of training programmes and equipment, information management systems development and infrastructure development. It also supported the Ministry of the Interior in a comprehensive institutional assessment in preparation for its multi-year institutional reform programme. In addition, it supported the Ministry of Justice in the construction of a major court facility in Tulkarem in the West Bank.

83. WHO supported the Ministry of Health in implementing its package of essential non-communicable disease interventions for primary health care, which was successfully introduced in three pilot districts. In addition, it continued to support the establishment of a National Institute of Public Health. It also supported the development of a cause of death registry and cancer registry, developed a draft report on the systematic review of water quality and health in the Gaza Strip,

finalized the National Health Information System strategy and assessment report and initiated the development of a national road traffic accidents registry.

84. The United Nations Conference on Trade and Development, building upon their previous collaboration, continued to strengthen the institutional and functional capacities of the Palestinian Shippers' (exporters and importers) Council. Its support led to the establishment of an eight-module professional training programme dedicated to international trade facilitation and logistics. It also provided the Palestinian private and public sectors with advisory services and technical knowledge in the area of trade facilitation.

D. Private sector development

85. UNRWA financed 13,030 loans valued at $18.403 million to Palestinian businesses and households in 2013. Women and youth received 37 per cent and 34 per cent of these loans, respectively. The programme in the State of Palestine continued to run on an operationally self-sufficient and sustainable basis and earned a net income of $367,865 from its microfinance operations.

E. Coordination of United Nations assistance

86. Under the auspices of the Deputy Special Coordinator for the Middle East Peace Process/United Nations Resident Coordinator and Humanitarian Coordinator for the occupied Palestinian territory, collaboration and coordination among the numerous donor and United Nations forums was strengthened during the reporting period. The humanitarian country team in Jerusalem and the Operational Coordination Group in Gaza met regularly to agree on humanitarian advocacy and response measures. With the support of the Coordination Unit within UNSCO, the United Nations country team continued to coordinate its programming through the development of the United Nations Development Assistance Framework for the State of Palestine 2014-2016 in alignment with the priorities of the Palestinian National Development Plan 2014-2016. Efforts to forge constructive partnerships among the United Nations, the Government of the State of Palestine and the broader aid community were strengthened. The United Nations continued the preparation of Ad Hoc Liaison Committee reports, strategies and guidance for development and humanitarian work in Gaza, East Jerusalem and Area C and, together with other humanitarian actors, the development of the 2014 strategic response plan for the occupied Palestinian territory.

IV. Donor response to the crisis

Budgetary and fiscal support

87. In 2013, the Government of the State of Palestine struggled to meet its financial obligations, since expenditures were slightly higher than expected and revenue was less than projected. Although external financing was higher than expected, the Government of the State of Palestine accumulated considerable arrears during the year, particularly to the private sector and the pension system, and increased its stock of debt to domestic banks to $1.2 billion by February 2014. The

external financing requirement for 2014 is estimated at $1.6 billion ($1.3 billion in budgetary support and $0.3 billion in development financing).

Donor coordination

88. The local aid coordination structure continued to serve as a key forum for donors and the State of Palestine. The coordination of humanitarian assistance and advocacy continued to be led by the Office for the Coordination of Humanitarian Affairs of the Secretariat during the reporting period.

89. One meeting of the Ad Hoc Liaison Committee was held during the reporting period, in New York on 25 September 2013.

V. Unmet needs

90. The 2013 Consolidated Appeal Process for the occupied Palestinian territory requested a revised amount of $401.6 million to tackle the most urgent humanitarian needs, of which 65.9 per cent was funded. Despite the increasing needs, the 2014 strategic response plan for the occupied Palestinian territory is requesting $390 million, since the application of the Plan's criteria means that only the most urgent needs have been highlighted and that the distinction between humanitarian and development needs outlined in the United Nations Development Assistance Framework for the State of Palestine 2014-2016 has been improved. As at 7 April 2014, only 17 per cent had been raised, indicating a bleak funding forecast.

91. Additional support is also urgently needed for the UNRWA core budget, which faces a predicted shortfall of $68.2 million for 2014, as well as its 2013 Emergency Appeal for the occupied Palestinian territory for $300 million, which has an estimated $163.2 million shortfall.

92. United Nations agencies are seeking $1.2 billion to support development programming in the context of the United Nations Development Assistance Framework.

VI. Challenges

93. During the reporting period, the continued closure of the Gaza Strip, the closing of illegal tunnels and a marked reduction in the operation of the Rafah crossing by the Egyptian authorities resulted in a more acute energy crisis and the reverse development or de-development of Gaza, thereby increasing humanitarian needs. Following the discovery of an illegal tunnel into Israel in October 2013, the Government of Israel halted the import of key construction materials into the Gaza Strip, including for United Nations projects. Although the United Nations has since seen a partial resumption of import for projects that had previously been approved, the private sector remains unable to import aggregate iron bar and cement. In addition, at the time of writing, over $100 million worth of United Nations construction projects submitted to the Government of Israel were still awaiting approval. In the West Bank, restrictions on movement and access, demolitions of Palestinian infrastructure and the associated displacement of Palestinians in the West Bank, including East Jerusalem, have all increased. Furthermore, significant settlement activity continues to take place in the West Bank, including East

Jerusalem, heightening tension on the ground. Overall, the fact that a credible political horizon has not moved tangibly closer, despite resumed negotiations, continues to negatively affect the operating environment.

94. Should talks once again break down, there is a risk that pressure on the State-building effort and international support to it would grow, while the focus could shift to humanitarian operations. If a credible political horizon does not move tangibly closer, this would also negatively affect the operating environment. In Gaza, as long as fundamental political issues are not resolved, United Nations activities risk being reduced to little more than stopgap measures, with the much needed structural interventions outlined in the 2012 report of the United Nations country team in the occupied Palestinian territory entitled "Gaza in 2020: A liveable place?" remaining unfeasible until a more conducive operating environment is restored.

VII. Conclusions

95. The operational context for the work of the United Nations during the reporting period remained challenging, while threats to the livelihoods of Palestinians, particularly demolitions, and the continued restrictions and divisions of Gaza continued to pose formidable obstacles to development in the State of Palestine. The United Nations will continue working towards the realization of a just, lasting and comprehensive peace in the Middle East on the basis of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003), 1850 (2008) and 1860 (2009), an end to the occupation that began in 1967 and the establishment of a sovereign, democratic, viable and contiguous State of Palestine, existing side by side in peace with a secure Israel.